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A HISTORY OF ROME

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A HISTORY OF ROME

DURING THE LATER REPUBLIC AND EARLY PRINCIPATE

BY

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VOLUME I

FROM THE TRIBUNATE OF TIBERIUS GRACCHUS TO THE SECOND CONSULSHIP OF MARIUS

B.C. 133—104

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TO

B. G.

AND

T. G.

PREFACE

THIS work will be comprised in six volumes. According to the plan which I have provisionally laid down, the second volume will cover the period from 104 to 70 B.C., ending with the first consulship of Pompeius and Crassus; the third, the period from 70 to 44 B.C., closing with the death of Caesar; the fourth volume will probably be occupied by the Third Civil War and the rule of Augustus, while the fifth and sixth will cover the reigns of the Emperors to the accession of Vespasian.

The original sources, on which the greater part of the contents of the present volume is based, have been collected during the last few years by Miss Clay and myself, and have already been published in an abbreviated form. Some idea of the debt which I owe to modern authors may be gathered from the references in the foot-notes. As I have often, for the sake of brevity, cited the works of these authors by shortened and incomplete titles, I have thought it advisable to add to the volume a list of the full titles of the works referred to. But the list makes no pretence to be a full bibliography of the period of history with which this volume deals. The map of the Wäd Mellag and its surrounding territory, which I have inserted to illustrate the probable site of the battle of the Muthul, is taken from the map of the "Medjerda supérieure" which appears in M. Salomon Reinach's *Atlas de la Province Romaine d'Afrique.*

I am very much indebted to my friend and former pupil, Mr. E. J. Harding, of Hertford College, for the ungrudging labour which he has bestowed on the proofs of the whole of this volume. Many improvements in the form of the work are due to his perspicacity and judgment.

A problem which confronts an author who plunges into the midst of the history of a nation (however complete may be the unity of the period with which he deals) is that of the amount of introductory information which he feels bound to supply to his readers. In this case, I have felt neither obligation nor inclination to supply a sketch of the development of Rome or her constitution up to the period of the Gracchi. The amount of information on the general and political history of Rome which the average student must have acquired from any of the excellent text-books now in use, is quite sufficient to enable him to understand the technicalities of the politics of the period with which I deal; and I was very unwilling to burden the volume with a *précis* of a subject which I had already treated in another work. On the other hand, it is not so easy to acquire information on the social and economic history of Rome, and consequently I have devoted the first hundred pages of this book to a detailed exposition of the conditions preceding and determining the great conflict of interests with which our story opens.

A. H. J. G.

OXFORD,
August, 1904

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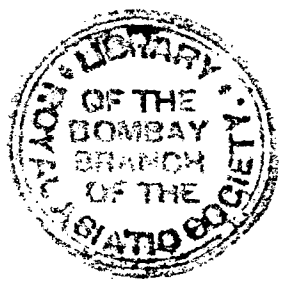
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Does the Eagle know what is in the pit?
Or wilt thou go ask the Mole?
Can Wisdom be put in a silver rod?
Or Love in a golden bowl?

BLAKE

A HISTORY OF ROME

CHAPTER I

THE period of Roman history on which we now enter is, like so many that had preceded it, a period of revolt, directly aimed against the existing conditions of society and, through the means taken to satisfy the fresh wants and to alleviate the suddenly realised, if not suddenly created, miseries of the time, indirectly affecting the structure of the body politic. The difference between the social movement of the present and that of the past may be justly described as one of degree, in so far as there was not a single element of discontent visible in the revolution commencing with the Gracchi and ending with Caesar that had not been present in the earlier epochs of social and political agitation. The burden of military service, the curse of debt, the poverty of an agrarian proletariate, the hunger for land, the striving of the artisan and the merchant after better conditions of labour and of trade—the separate cries of discontent that find their unison in a protest against the monopoly of office and the narrow or selfish rule of a dominant class, and thus gain a significance as much political as social—all these plaints had filled the air at the time when Caius Licinius near the middle of the fourth century, and Appius Claudius at its close, evolved their projects of reform. The cycle of a nation's history can indeed never be broken as long as the character of the nation remains the same. And the average Roman of the middle of the second century before our era [1] was in all essential particulars the Roman of the times of Appius and of Licinius, or even of the epoch when the ten commissioners had published the Tables which were to stamp its perpetual character on Roman law. He was in his business relations either oppressor or oppressed, either hammer or anvil. In his private life he was an individualist whose

[1] The average, or at least the most powerful, type of a race is stamped on its history. It is perhaps needless to say that no generalisations on character apply to all its individual members.

sympathies were limited to the narrow circle of his dependants; he was a trader and a financier whose humanitarian instincts were subordinated to a code of purely commercial morality, and who valued equity chiefly because it presented the line of least resistance and facilitated the conduct of his industrial operations. Like all individualists, he was something of an anarchist, filled with the idea, which appeared on every page of the record of his ancestors and the history of his State, that self-help was the divinely given means of securing right, that true social order was the issue of conflicting claims pushed to their breaking point until a temporary compromise was agreed on by the weary combatants; but he was hampered in his democratic leanings by the knowledge that democracy is the fruit of individual self-restraint and subordination to the common will—qualities of which he could not boast and symbols of a prize which he would not have cared to attain at the expense of his peculiar ideas of personal freedom—and he was forced, in consequence of this abnegation, to submit to an executive government as strong, one might almost say as tyrannous, as any which a Republic has ever displayed—a government which was a product of the restless spirit of self-assertion and self-aggrandisement which the Roman felt in himself, and therefore had sufficient reason to suspect in others.

The Roman was the same; but his environment had changed more startlingly during the last fifty or sixty years than in all the centuries that had preceded them in the history of the Republic. The conquest of Italy had, it is true, given to his city much that was new and fruitful in the domains of religion, of art, of commerce and of law. But these accretions merely entailed the fuller realisation of a tendency which had been marked from the earliest stage of Republican history—the tendency to fit isolated elements in the marvellous discoveries made by the heaven-gifted race of the Greeks into a framework that was thoroughly national and Roman. Ideas had been borrowed, and these ideas certainly resulted in increased efficiency and therefore in increased wealth. But the gross material of Hellenism, whether as realised in intellectual ideas or (the prize that appealed more immediately to the practical Roman with his concrete mind) in tangible things, had not been seized as a whole as the reward of victory: and no great attempt had been made in former ages to assimilate the one or to enjoy the other. The nature of the material rewards which had been secured by the epochs of

Italian conquest had indeed made such assimilation or enjoyment impossible. They would have been practicable only in a state which possessed a fairly complete urban life; and the effect of the wars which Rome waged with her neighbours in the peninsula had been to make the life of the average citizen more purely agricultural than it had been in the early Republic, perhaps even in the epoch of the Kings. The course of a nation's political, social and intellectual history is determined very largely by the methods which it adopts for its own expansion at the inevitable moment when its original limits are found to be too narrow to satisfy even the most modest needs of a growing population. The method chosen will depend chiefly on geographical circumstances and on the military characteristics of the people which are indissolubly connected with these. When the city of Old Greece began to feel the strength of its growing manhood, and the developing hunger which was both the sign and the source of that strength, it looked askance at the mountain line which cut it off from the inland regions, it turned hopeful eyes on the sea that sparkled along its coasts; it manned its ships and sent its restless youth to a new and distant home which was but a replica of the old. The results of this maritime adventure were the glories of urban life and the all-embracing sweep of Hellenism. The progress of Roman enterprise had been very different. Following the example of all conquering Italian peoples,[1] and especially of the Sabellian invaders whose movements immediately preceded their own, the Romans adopted the course of inland expansion, and such urban unity as they had possessed was dissipated over the vast tract of territory on which the legions were settled, or to which the noble sent his armed retainers, nominally to keep the land as the public domain of Rome, in reality to hold it for himself and his descendants. At a given moment (which is as clearly marked in Roman as in Hellenic history) the possibility of such expansion ceased, and the necessity for its cessation was as fully exhibited in the policy of the government as in the tastes of the people. No Latin colony had been planted later than the year 181, no Roman colony later than 157,[2] and the senate showed no inclination to renew schemes for the further assignment of territory

[1] Even the Hellenes of the West are only a partial exception. It is true that their cities clung to the coast; but the vast inland possessions of states like Sybaris are scarcely paralleled elsewhere in the history of Greek colonisation.

[2] The Latin colony of Aquileia was settled in the former year (Liv. xl. 34 Vellei. i. 15), the Roman colony of Auximum in the latter (Vellei. *l.c.*).

amongst the people. There were many reasons for this indifference to colonial enterprise. In the first place, although colonisation had always been a relief to the proletariate and one of the means regularly adopted by those in power for assuaging its dangerous discontent, yet the government had always regarded the social aspect of this method of expansion as subservient to the strategic.[1] This strategic motive no longer existed, and a short-sighted policy, which looked to the present, not to the future, to men of the existing generation and not to their sons, may easily have held that a colony, which was not needed for the protection of the district in which it was settled, injuriously affected the fighting-strength of Rome. The maritime colonies which had been established from the end of the great Latin war down to the close of the second struggle with Carthage claimed, at least in many cases, exemption from military service,[2] and a tradition of this kind tends to linger when its justification is a thing of the past. But, even if such a view could be repudiated by the government, it was certain that the levy became a more serious business the greater the number of communities on which the recruiting commander had to call, and it was equally manifest that the veteran who had just been given an allotment on which to establish his household gods might be inclined to give a tardy response to the call to arms. The Latin colony seemed a still greater anachronism than the military colony of citizens. The member of such a community, although the state which he entered enjoyed large privileges of autonomy, ceased to be a Roman citizen in respect to political rights, and even at a time when self-government had been valued almost more than citizenship, the government had only been able to carry out its project of pushing these half-independent settlements into the heart of Italy by threatening with a pecuniary penalty the soldier who preferred his rights as a citizen to the benefits which he might receive as an emigrant.[3] Now that the great wars had brought their dubious

[1] Cic. *de Leg. Agr.* ii. 27. 73 Est operae pretium diligentiam majorum recordari, qui colonias sic idoneis in locis contra suspicionem periculi collocarunt, ut esse non oppida Italiae, sed propugnacula imperii viderentur.

[2] Liv. xxvii. 38; xxxvi. 3; *cf.* Marquardt *Staatsverwaltung* i. p. 51.

[3] The Roman citizen, who entered his name for a Latin colony, suffered the derogation of *caput* which was known to the later jurists as *capitis deminutio minor* and expressed the loss of *civitas* (Gaius i. 161; iii. 56). That a fine was the alternative of enrolment, hence conceived as voluntary, we are told by Cicero (*pro Caec.* 33. 98 Aut sua voluntate aut legis multa profecti sunt: quam multam si sufferre voluissent, manere in civitate potuissent. *Cf. pro Domo* 30. 78 Qui cives Romani in colonias Latinas proficiscebantur, fieri non poterant Latini, nisi erant auctores acti nomenque dederant).

but at least potential profits to every member of the Roman community, and the gulf between the full citizens and the members of the allied communities was ever widening, it was more than doubtful whether a member of the former class, however desperate his plight, would readily condescend to enroll himself amongst the latter. But, even apart from these considerations, it must have seemed very questionable to any one, who held the traditional view that colonisation should subserve the purposes of the State, whether the landless citizen of the time could be trusted to fulfil his duties as an emigrant. As early as the year 186 the consul Spurius Postumius, while making a judicial tour in Italy, had found to his surprise that colonies on both the Italian coasts, Sipontum on the Upper, and Buxentum on the Lower Sea, had been abandoned by their inhabitants: and a new levy had to be set on foot to replace the faithless emigrants who had vanished into space.[1] As time went on the risk of such desertion became greater, partly from the growing difficulty of maintaining an adequate living on the land, partly from the fact that the more energetic spirits, on whom alone the hopes of permanent settlement could depend, found a readier avenue to wealth and a more tempting sphere for the exercise of manly qualities in the attractions of a campaign that seemed to promise plunder and glory, especially when these prizes were accompanied by no exorbitant amount of suffering or toil. Thus when it had become known that Scipio Africanus would accompany his brother in the expedition against Antiochus, five thousand veterans, both citizens and allies, who had served their full time under the command of the former, offered their voluntary services to the departing consul,[2] and nineteen years later the experience which had been gained of the wealth that might be reaped from a campaign in Macedonia and Asia drew many willing recruits to the legions which were to be engaged in the struggle with Perseus.[3] The semi-professional soldier was in fact springing up, the man of a spirit adventurous and restless such as did not promise contentment with the small interests and small rewards of life in an Italian outpost.

But, if the days of formal colonisation were over, why might not the concurrent system be adopted of dividing conquered lands amongst poorer citizens without the establishment of a new political

[1] Liv. xxxix. 23. [2] Liv. xxxvii. 4.

[3] Liv. xlii. 32 Multi voluntate nomina dabant, quia locupletes videbant, qui priore Macedonico bello, aut adversus Antiochum in Asia, stipendia fecerant.

settlement or any strict limitation of the number of the recipients? This 'viritane' assignation had always run parallel to that which assumed the form of colonisation; it merely required the existence of land capable of distribution, and the allotments granted might be considered merely a means of affording relief to the poorer members of existing municipalities. The system was supposed to have existed from the times of the Kings; it was believed to have formed the basis of the first agrarian law, that of Spurius Cassius in 486;[1] it had been employed after the conquest of the Volscians in the fourth century and that of the Sabines in the third;[2] it had animated the agrarian legislation of Flaminius when in 232 he romanised the *ager Gallicus* south of Ariminum without planting a single colony in this region;[3] and a date preceding the Gracchan legislation by only forty years had seen the resumption of the method, when some Gallic and Ligurian land, held to be the spoil of war and declared to be unoccupied, had been parcelled out into allotments, of ten *jugera* to Roman citizens and of three to members of the Latin name.[4] But to the government of the period with which we are concerned the continued pursuance of such a course, if it suggested itself at all, appealed in the light of a policy that was unfamiliar, difficult and objectionable. It is probable that this method of assignment, even in its later phases, had been tinctured with the belief that, like the colony, it secured a system of military control over the occupied district: and that the purely social object of land-distribution, if it had been advanced at all, was considered to be characteristic rather of the demagogue than the statesman. From a strategic point of view such a measure was unnecessary; from an economic, it assumed, not only a craving for allotments amongst the poorer class, of which there was perhaps little evidence, but a belief, which must have been held to be sanguine in the extreme, that these paupers, when provided for, would prove to be

[1] For the assignations *viritim* in the times of the Kings see Varro *R. R.* i. 10 (Romulus); Cic. *de Rep.* ii. 14. 26 (Numa); Liv. i. 46 (Servius Tullius). That the Cassian distribution was to be κατ' ἄνδρα is stated by Dionysius (viii. 72, 73). On the whole subject see Mommsen in C. I. L. i. p. 75. He has made out a good case for the land thus assigned being known by the technical name of *viritanus ager*. See Festus p. 373; Siculus Flaccus p. 154 Lachm. We shall find that this was the form of distribution effected by the Gracchi.

[2] For the settlement in the land of the Volsci see Liv. v. 24; for that made by M.' Curius in the Sabine territory, Colum. i. praef. 14; [Victor] *de Vir. Ill.* 33.

[3] Cato *ap.* Varr. *R. R.* i. 2. 7 Ager Gallicus Romanus vocatur, qui viritim cis Ariminum datus est ultra agrum Picentium; *cf.* Cic. *Brut.* 14. 57; *de Senect.* 4. 11; Val. Max. v. 4. 5.

[4] Liv. xlii. 4 (173 B.C.); *cf.* xli. 16.

efficient farmers capable of maintaining a position which many of them had already lost. Again, if such an assignment was to be made, it should be made on land immediately after it had passed from the possession of the enemy to that of Rome; if time had elapsed since the date of annexation, it was almost certain that claims of some kind had been asserted over the territory, and shadowy as these claims might be, the Roman law had, in the interest of the State itself, always tended to recognise a *de facto* as a *de jure* right. The claims of the allies and the municipalities had also to be considered; for assignments to Roman citizens on an extensive scale would inevitably lead to difficult questions about the rights which many of these townships actually possessed to much of the territory whose revenue they enjoyed. If the allies and the municipal towns did not suffer, the loss must fall on the Roman State itself, which derived one of its chief sources of stable and permanent revenue—the source which was supposed to meet the claims for Italian administration[1]—from its domains in Italy, on the contractors who collected this revenue, and on the enterprising capitalists who had put their wealth and energy into the waste places to which they had been invited by the government, and who had given these devastated territories much of the value which they now possessed. Lastly, these enterprising possessors were strongly represented in the senate; the leading members of the nobility had embarked on a new system of agriculture, the results of which were inimical to the interest of the small farmer, and the conditions of which would be undermined by a vast system of distribution such as could alone suffice to satisfy the pauper proletariate. The feeling that a future agrarian law was useless from an economic and dangerous from a political point of view, was strengthened by the conviction that its proposal would initiate a war amongst classes, that its failure would exasperate the commons and that its success would inflict heavy pecuniary damage on the guardians of the State.

Thus the simple system of territorial expansion, which had continued in an uninterrupted course from the earliest days of conquest, might be now held to be closed for ever. From the point of view

[1] The other sources were the *portoria* and the *vicesima libertatis*. Even at a period when the revenues from the provinces were infinitely larger than they were at the present time Cicero could write, with reference to Caesar's proposal for distributing the Campanian land, Portoriis Italiae sublatis, agro Campano diviso, quod vectigal superest domesticum praeter vicensimam? (Cic. *ad Att.* ii. 16. 1).

of the Italian neighbours of Rome it was indeed ample time that such a closing period should be reached. If we possessed a map of Italy which showed the relative proportions of land in Italy and Cisalpine Gaul which had been seized by Rome or left to the native cities or tribes, we should probably find that the possessions of the conquering State, whether occupied by colonies, absorbed by the gift of citizenship, or held as public domain, amounted to nearly one half of the territory of the whole peninsula.[1] The extension of such progress was clearly impossible unless war were to be provoked with the Confederacy which furnished so large a proportion of the fighting strength of Rome; but, if it was confessed that extension on the old lines was now beyond reach of attainment and yet it was agreed that the existing resources of Italy did not furnish an adequate livelihood to the majority of the citizens of Rome, but two methods of expansion could be thought of as practicable in the future. One was agrarian assignation at the expense either of the State or of the richer classes or of both; the other was enterprise beyond the sea. But neither of these seemed to deserve government intervention, or regulation by a scheme which would satisfy either immediate or future wants. The one was repudiated, as we have already shown, on account of its novelty, its danger and its inconvenience; the other seemed emphatically a matter for private enterprise and above all for private capital. It could never be available for the very poor unless it assumed the form of colonisation, and the senate looked on transmarine colonisation with the eye of prejudice.[2] It took a different view of the enterprise of the foreign speculator and merchant; this it regarded with an air of easy indifference. Their wealth was a pillar on which the State might lean in times of emergency, but, until the disastrous effects of commercial enterprise on foreign policy were more clearly seen, it was considered to be no business of the government either to help or to hinder the wealthy and enterprising Roman in his dealings with the peoples of the subject or protected lands.

Rome, if by this name we mean the great majority of Roman citizens, was for the first time for centuries in a situation in which all movement and all progress seemed to be denied. The force of

[1] See the map attempted by Beloch in his work *Der Italische Bund unter Roms Hegemonie.*

[2] Vellei. ii. 7. See ch. iv., where the attitude of the senate towards the proposals for transmarine settlement made by Caius Gracchus is described.

the community seemed to have spent itself for the time; as a force proceeding from the whole community it had perhaps spent itself for ever. A section of the nominally sovereign people might yet be welded into a mighty instrument that would carry victory to the ends of the earth, and open new channels of enterprise both for the men who guided their movements and for themselves. But for the moment the State was thrown back upon itself; it held that an end had been attained, and the attainment naturally suggested a pause, a long survey of the results which had been reached by these long years of struggle with the hydra-headed enemy abroad. The close of the third Macedonian war is said by a contemporary to have brought with it a restful sense of security such as Rome could not have felt for centuries.[1] Such a security gave scope to the rich to enjoy the material advantages which their power had acquired; but it also gave scope to the poor to reflect on the strange harvest which the conquest of the great powers of the world had brought to the men whose stubborn patience had secured the peace which they were given neither the means nor the leisure to enjoy. The men who evaded or had completed their service in the legions lacked the means, although they had the leisure; the men who still obeyed the summons to arms lacked both, unless the respite between prolonged campaigns could be called leisure, or the booty, hardly won and quickly squandered, could be described as means. Even after Carthage had been destroyed Rome, though doubly safe, was still busy enough with her legions; the government of Spain was one protracted war, and proconsuls were still striving to win triumphs for themselves by improving on their predecessors' work.[2] But such war could not absorb the energy or stimulate the interest of the people as a whole. The reaction which had so often followed a successful campaign, when the discipline of the camp had been shaken off and the duties of the soldier were replaced by the wants of the citizen, was renewed on a scale infinitely larger than before—a scale proportioned to the magnitude of the strain which had been removed and the greatness of the wants which had been revived. The cries for reform may have been of the old familiar type[3] but

[1] Polyb. xxxii. 11.

[2] Besides the continued war in Spain from 145 to 133 there were troubles in Macedonia (in 142) and in Sicily during this period of comparative peace. *Circa* 140-135 commences the great slave rising in that island, and in the latter year the long series of campaigns against the free Illyrian and Thracian peoples begins.

[3] P. 1.

their increased intensity and variety may almost be held to have given them a difference of quality. There is a stage at which a difference of degree seems to amount to one of kind: and this stage seems certainly to have been reached in the social problems presented by the times. In the old days of the struggle between the orders the question of privilege had sometimes overshadowed the purely economic issue, and although a close scrutiny of those days of turmoil shows that the dominant note in the conflict was often a mere pretext meant to serve the personal ambition of the champions of the Plebs, yet the appearance rather than the reality of an issue imposes on the imagination of the mob, and political emancipation had been thought a boon even when hard facts had shown that its greater prizes had fallen to a small and selfish minority. Now, however, there could be no illusion. There was nothing but material wants on one side, there was nothing but material power on the other. The intellectual claims which might be advanced to justify a monopoly of office and of wealth, could be met by an intellectual superiority on the part of a demagogue clamouring for confiscation. The ultimate basis of the life of the State was for the first time to be laid bare and subjected to a merciless scrutiny; it remained to be seen which of the two great forces of society would prevail; the force of habit which had so often blinded the Roman to his real needs; or the force of want which, because it so seldom won a victory over his innate conservatism, was wont, when that victory had been won, to sweep him farther on the path of reckless and inconsistent reform than it would have carried a race better endowed with the gift of testing at every stage of progress the ends and needs of the social organism considered as a whole.

An analysis of social discontent at any period of history must take the form of an examination of the wants engendered by the age, and of the adequacy or inadequacy of their means of satisfaction. If we turn our attention first to the forces of society which were in possession of the fortress and were to be the object of attack, we shall find that the ruling desires which animated these men of wealth and influence were chiefly the product of the new cosmopolitan culture which the victorious city had begun to absorb in the days when conquest and diplomacy had first been carried across the seas. To this she fell a willing victim when the conquered peoples, bending before the rude force which had but substituted a new suzerainty for an old and had scarcely

touched their inner life, began to display before the eyes of their astonished conquerors the material comfort and the spiritual charm which, in the case of the contact of a potent but narrow civilisation with one that is superbly elastic and strong in the very elegance of its physical debility, can always turn defeat into victory. But the student who begins his investigation of the new Roman life with the study of Roman society as it existed in the latter half of the second century before our era, cannot venture to gather up the threads of the purely intellectual and moral influences which were created by the new Hellenistic civilisation. He feels that he is only at the beginning of a process, that he lacks material for his picture, that the illustrative matter which he might employ is to be found mainly in the literary records of a later age, and that his use of this matter would but involve him in the historical sins of anticipation and anachronism. Of some phases of the war between the old spirit and the new we shall find occasion to speak; but the culminating point attained by the blend of Greek with Roman elements is the only one which is clearly visible to modern eyes. This point, however, was reached at the earliest only in the second half of the next century. It was only then that the fusion of the seemingly discordant elements gave birth to the new "Romanism," which was to be the ruling civilisation of Italy and the Western provinces and, in virtue of the completeness of the amalgamation and the novelty of the product, was itself to be contrasted and to live for centuries in friendly rivalry with the more uncompromising Hellenism of Eastern lands. But some of the economic effects of the new influences claim our immediate attention, for we are engaged in the study of the beginnings of an economic revolution, and an analysis must therefore be attempted of some of the most pressing needs and some of the keenest desires which were awakened by Hellenism, either in the purer dress which old Greece had given it or in the more gorgeous raiment which it had assumed during its sojourn in the East.

A tendency to treat the city as the home, the country only as a means of refreshment and a sphere of elegant retirement during that portion of the year when the excitement of the urban season, its business and its pleasure, were suspended, began to be a marked feature of the life of the upper classes. The man of affairs and the man of high finance were both compelled to have their domicile in the town, and, if agriculture was still the staple or the supplement

of their wealth, the needs of the estate had to be left to the supervision of the resident bailiff.[1] This concentration of the upper classes in the city necessarily entailed a great advance in the price and rental of house property within the walls. It is true that the reckless prices paid for houses, especially for country villas, by the grandees and millionaires of the next generation,[2] had not yet been reached; but the indications with which we are furnished of the general rise of prices for everything in Rome that could be deemed desirable by a cultivated taste,[3] show that the better class of house property must already have yielded large returns, whether it were sold or let, and we know that poor scions of the nobility, if business or pleasure induced them to spend a portion of the year in Rome, had soon to climb the stairs of flats or lodgings.[4] The pressure for room led to the piling of storey on storey. On the roof of old houses new chambers were raised, which could be reached by an outside stair, and either served to accommodate the increased retinue of the town establishment or were let to strangers who possessed no dwelling of their own;[5] the still larger lodging-houses or "islands," which derived their name from their lofty isolation from neighbouring buildings,[6] continued to spring up, and even private houses soon came to attain a height which had to be restrained by the intervention of the law. An ex-consul and augur was called on by the censors of 125 to explain the magnitude of a villa which he had raised, and the altitude of the structure exposed him not only to the strictures of the guardians of morals but to a fine imposed by a public court.[7] Great changes were effected

[1] The *officia* of the *villicus* have become very extensive even in Cato's time (Cato *R. R.* 5). Their extent implies the assumption of very prolonged absences on the part of the master.

[2] Lucullus paid 500,200 drachmae for the house at Misenum which had once belonged to Cornelia. She had purchased it for 75,000 (Plut. *Mar.* 34). Marius had been its intermediate owner. Even during his occupancy it is described as πολυτελῆς οἰκία τρυφὰς ἔχουσα καὶ διαίτας θηλυτέρας ἢ κατ' ἄνδρα πολέμων τοσούτων καὶ στρατειῶν αὐτουργόν.

[3] Diod. xxxvii. 3.

[4] Sulla rented one of the lower floors for 3000 sesterces (Plut. *Sulla* 1).

[5] The *coenaculum* is mentioned by Livy (xxxix. 14) in connection with the year 186 B.C. It is known both to Ennius (*ap.* Tertull. *adv.* Valent. 7) and to Plautus (*Amph.* iii. 1. 3).

[6] Festus p. 111. The *insula* resembled a large hotel, with one or more courts, and bounded on all sides by streets. See Smith *Dict. of Antiq.* (3rd ed.) i. p. 665.

[7] Val. Max. viii. 1. damn. 7 Admodum severae notae et illud populi judicium, cum M. Aemilium Porcinam (consul 137 B.C.) a L. Cassio (censor 125 B.C.) accusatum crimine nimis sublime extructae villae in Alsiensi agro gravi multa affecit. The author does not sufficiently distinguish between the censorian initiative and the operation of the law. The passage is important as showing the existence of an

in the interior structure of the houses of the wealthy—changes excused by a pardonable desire for greater comfort and rendered necessary both by the growing formality of life and the large increase in the numbers of the resident household, but tending, when once adopted, to draw the father of the family into that most useless type of extravagance which takes the form of a craze for building. The Hall or Atrium had once been practically the house. It opened on the street. It contained the family bed and the kitchen fire. The smoke passed through a hole in the roof and begrimed the family portraits that looked down on the members of the household gathered round the hearth for their common meal. The Hall was the chief bedroom, the kitchen, the dining-room and the reception room, and it was also the only avenue from the street to the small courtyard at the back. The houses of the great had hitherto differed from those of the poor chiefly in dimensions and but very slightly in structure. The home of the wealthy patrician had simply been on a larger scale of primitive discomfort; and if his large parlour built of timber could accommodate a vast host of clients, the bed and the cooking pots were still visible to every visitor. The chief of the early innovations had been merely a low portico, borrowed from the Greeks by the Etruscans and transmitted by them to Rome, which ran round the courtyard, was divided into little cells and chambers, and served to accommodate the servants of the house.[1] But now fashion dictated that the doorway should not front the street but should be parted from it by a vestibule, in which the early callers gathered before they were admitted to the hall of audience. The floor of the Atrium was no longer the common passage to the regions at the back, but a special corridor lying either on one or on both sides of the Hall[2] led past the Study or Tablinum, immediately behind it, to the inner court beyond. Even the sanctity of the nuptial couch could not continue to give it the publicity which was irksome to the taste of an age which had acquired notions of the dignity of seclusion, of

enactment on the height of buildings. See Voigt in Iwan-Müller's *Handbuch* iv. 2, p. 394, and *cf.* Vellei. ii. 10. Augustus limited the height of houses to 70 feet (Strabo v. p. 235).

[1] Diodor. v. 40 (The Etruscans) *ἐν . . . ταῖς οἰκίαις τὰ περίστυα πρὸς τὰς τῶν θεραπευόντων ὄχλων ταραχὰς ἐξεῦρον εὐχρηστίαν.* See Krause *Deinokrates* p. 528.

[2] In spite of the plural form *fauces* (Vitruv. vi. 3. 6) may denote only a single passage. See Marquardt *Privatl.* p. 240; Smith and Middleton in Smith *Dict. of Antiq.* i. p. 671.

the comfort that was to be found in retirement, and of the convenience of separating the chambers that were used for public from those which were employed for merely private purposes. The chief bedrooms were shifted to the back, and the sides of the court-yard were no longer the exclusive abode of the dependants of the household. The common hearth could no longer serve as the sphere of the culinary operations of an expensive cook with his retinue of menials; the cooking fire was removed to one of the rooms near the back-gate of the house, which finally became an ample kitchen replete with all the imported means of satisfying the growing luxury of the table; and the member of the family loitering in the hall, or the visitor admitted through its portals, was spared the annoyances of strong smells and pungent smoke. The Roman family also discovered the discomfort of dining in a large and scantily furnished room, not too well lit and accessible to the intrusions of the chance domestic and the caller. It was deemed preferable to take the common meal in a light and airy upper chamber, and the new type of Coenaculum satisfied at once the desire for personal comfort and for that specialisation in the use of apartments which is one of the chief signs of an advancing material civilisation. The great hall had become the show-room of the house, but even for this purpose its dimensions proved too small. Such was the quantity of curios and works of art collected by the conquering or travelled Roman that greater space was needed for the exhibition of their rarity or splendour. This space was gained by the removal from the Atrium of all the domestic obstacles with which it had once been cumbered. It might now be made slightly smaller in its proportion to the rest of the house and yet appear far more ample than before. The space by which its sides were diminished could now be utilised for the building of two wings or Alae, which served the threefold purpose of lighting the hall from the sides, of displaying to better advantage, as an oblong chamber always does, the works of art which the lord of the mansion or his butler[1] displayed to visitor or client, and lastly of serving as a gallery for the family portraits, which were finally removed from the Atrium, to be seen to greater advantage and in a better light on the walls of the wings. These now displayed the family tree through painted lines which connected the little shrines

[1] For this *atriensis*, the English butler, the continental porter, see the frequent references in Plautus (*e.g.*, *Asin.* ii. 2. 80 and 101; *Pseud.* ii. 2. 15), Krause *Deinokrates* p. 534 and Marquardt *Privatl.* p. 140.

holding the inscribed *imagines* of the great ancestors of the house.[1] It is also possible that the Alae served as rooms for more private audiences than were possible in the Atrium.[2] From the early morning crowd which thronged the hall individuals or groups might have been detached by the butler, and led to the presence of the great statesman or pleader who paced the floor in the retirement of one of these long side-galleries.[3] Business of a yet more private kind was transacted in the still greater security of the Tablinum, the archive room and study of the house. Here were kept, not only the family records and the family accounts, but such of the official registers and papers as a magistrate needed to have at hand during his year of office.[4] The domestic transaction of official business was very large at Rome, for the State had given its administrators not even the skeleton of a civil service, and it was in this room that the consul locked himself up with his quaestor and his scribes, as it was here that, as a good head of the family and a careful business man, he carefully perused the record of income and expenditure, of gains and losses, with his skilled Greek accountant.

The whole tendency of the reforms in domestic architecture was to differentiate between the public and private life of the man of business or affairs. His public activity was confined to the fore-part of the house; his repose, his domestic joys, and his private pleasures were indulged in the buildings which lay behind the Atrium and its wings. As each of the departments of life became more ambitious, the sphere for the exercise of the one became more magnificent, and that which fostered the other the scene of a more perfect, because more quiet, luxury. The Atrium was soon to become a palatial hall adorned with marble colonnades;[5] the small

[1] Plin. *H. N.* xxxv. 6 Stemmata vero lineis discurrebant ad imagines pictas. It is not known at what period the *imagines* were transferred from the Atrium to the Alae.

[2] Overbeck *Pompeii* p. 192; Krause *Deinokrates* p. 539.

[3] For the practice started, or developed, by Caius Gracchus of receiving visitors, some singly, others in smaller or larger groups, see Seneca *de Ben.* vi. 34. 2 and the description of Gracchus' tribunate in chapter iv.

[4] Festus p. 357 (according to Mommsen, Abh. der Berl. Akad. Phil.-hist. Classe, 1864 p. 68) Tablinum proxime atrium locus dicitur, quod antiqui magistratus in suo imperio tabulis rationum ibi habebant publicarum rationum causa factum locum; Plin. *H. N.* xxxv. 7 Tabulina codicibus implebantur et monimentis rerum in magistratu gestarum. Marquardt, however (*Privatl.* p. 215) thinks that the name *tablinum* is derived from the fact that this chamber was originally made of planks (*tablinum* from *tabula* as *figlinum* from *figulus*).

[5] The earliest instances of extreme extravagance in the use of building material —of the use, for instance, of Hymettian and Numidian marble—are furnished by

yard with its humble portico at the back was to be transformed into the Greek Peristyle, a court open to the sky and surrounded by columns, which enclosed a greenery of shrubs and trees and an atmosphere cooled and freshened by the constant play of fountains. The final form of the Roman house was an admirable type of the new civilisation. It was Roman and yet Greek[1]—Roman in the grand front that it presented to the world, Greek in the quiet background of thought and sentiment.

The growing splendour of the house demanded a number and variety in its human servitors that had not been dreamed of in a simpler age. The slave of the farm, with his hard hands and weather-beaten visage, could no longer be brought by his elegant master to the town and exhibited to a fastidious society as the type of servant that ministered to his daily needs. The urban and rustic family were now kept wholly distinct; it was only when some child of marked grace and beauty was born on the farm, that it was transferred to the mansion as containing a promise that would be wasted on rustic toil.[2] In every part of the establishment the taste and wealth of the owner might be tested by the courtliness and beauty of its living instruments. The chained dog at the gate had been replaced by a human janitor, often himself in chains.[3] The visitor, when he had passed the porter, was received by the butler in the hall, and admitted to the master's presence by a series of footmen and ushers, the show servants of the fore-part of the house, men of the impassive dignity and obsequious repose that servitude but strengthens in the Oriental mind.[4] In the penetralia of the household each need created by the growing ideal of comfort and refinement required its separate band of ministers.

the houses of the orator Lucius Licinius Crassus (built about 92 B.C.) and of Marcus Aemilius Lepidus, consul in 78 B.C. This growth of luxury will be treated when we come to deal with the civilisation of the Ciceronian period.

[1] As Krause expresses it (*Deinokrates* p. 542), at the final stage we find a Greek "Hinterhaus" standing behind an old Italian "Vorderhaus".

[2] The case mentioned by Juvenal (xi. 151)

> Pastoris duri hic est filius, ille bubulci.
> Suspirat longo non visam tempore matrem,
> Et casulam, et notos tristis desiderat haedos,

must have been of frequent occurrence as soon as the urban and rustic *familiae* had been kept distinct.

[3] Suetonius says (*de Rhet.* 3) of L. Voltacilius Pilutus, one of the teachers of Pompeius, Servisse dicitur atque etiam ostiarius vetere more in catena fuisse.

[4] For these *atrienses*, *atriarii*, *admissionales*, *velarii* see Wallon *Hist. de l'Esclavage* ii. p. 108.

The body of the bather was rubbed and perfumed by experts in the art; the service of the table was in the hands of men who had made catering and the preparation of delicate viands the sole business of their lives. The possession of a cook, who could answer to the highest expectations of the age, was a prize beyond the reach of all but the most wealthy; for such an expert the sum of four talents had to be paid;[1] he was the prize of the millionaire, and families of more moderate means, if they wished a banquet to be elegantly served, were forced to hire the temporary services of an accomplished artist.[2] The housekeeper,[3] who supervised the resources of the pantry, guided the destinies of the dinner in concert with the *chef;* and each had under him a crowd of assistants of varied names and carefully differentiated functions.[4] The business of the outer world demanded another class of servitors. There were special valets charged with the functions of taking notes and invitations to their masters' friends; there was the valued attendant of quick eye and ready memory, an incredibly rich store-house of names and gossip, an impartial observer of the ways and weaknesses of every class, who could inform his master of the name and attributes of the approaching stranger. There were the lackeys who formed the nucleus of the attendant retinue of clients for the man when he walked abroad, the boys of exquisite form with slender limbs and innocent faces, who were the attendant spirits of the lady as she passed in her litter down the street. The muscles of the stouter slaves now offered facilities for easy journeying that had been before unknown. The Roman official need not sit his horse during the hot hours of the day as he passed through the hamlets of Italy, and the grinning rustic could ask, as he watched the solemn and noiseless transit of the bearers, whether the carefully drawn curtains did not conceal a corpse.[5]

The internal luxury of the household was as fully exhibited in lifeless objects as in living things. Rooms were scented with fragrant perfumes and hung with tapestries of great price and

[1] Diod. xxxvii. 3; Sallust (*Jug.* 85) makes Marius say (107 B.C) Neque pluris pretii coquum quam villicum habeo. Livy (xxxix. 6) remarks with reference to the consequences of the return of Manlius' army from Asia in 187 B.C. Tum coquus, vilissimum antiquis mancipium et aestimatione et usu, in pretio esse; et, quod ministerium fuerat, ars haberi coepta.

[2] Plin. *H. N.* xviii. 108 Nec coquos vero habebant in servitiis eosque ex macello conducebant. The practice is mentioned by Plautus (*Aul.* ii. 4. 1; iii. 2. 15).

[3] *Condus promus* (Plaut. *Pseud.* ii. 2. 14).

[4] Wallon *op. cit.* ii. p. 111.

[5] C. Gracchus *ap.* Gell. x. 3. 5.

varied bloom. Tables were set with works of silver, ivory and other precious material, wrought with the most delicate skill. Wine of moderate flavour was despised; Falernian and Chian were the only brands that the true connoisseur would deem worthy of his taste. A nice discrimination was made in the qualities of the rarer kinds of fish, and other delicacies of the table were sought in proportion to the difficulty of their attainment. The fashions of dress followed the tendency of the age; the rarity of the material, its fineness of texture, the ease which it gave to the body, were the objects chiefly sought. Young men were seen in the Forum in robes of a material as soft as that worn by women and almost transparent in its thinness. Since all these instruments of pleasure, and the luxury that appealed to ambition even more keenly than to taste, were pursued with a ruinous competition, prices were forced up to an incredible degree. An amphora of Falernian wine cost one hundred denarii, a jar of Pontic salt-fish four hundred; a young Roman would often give a talent for a favourite, and boys who ranked in the highest class for beauty of face and elegance of form fetched even a higher price than this.[1] Few could have been inclined to contradict Cato when he said in the senate-house that Rome was the only city in the world where a jar of preserved fish from the Black Sea cost more than a yoke of oxen, and a boy-favourite fetched a higher price than a yeoman's farm.[2] One of the great objects of social ambition was to have a heavier service of silver-plate than was possessed by any of one's neighbours. In the good old days,—days not so long past, but severed from the present by a gulf that circumstances had made deeper than the years —the Roman had had an official rather than a personal pride in the silver which he could display before the respectful eyes of the distinguished foreigner who was the guest of the State; and the Carthaginian envoys had been struck by the similarity between the silver services which appeared at the tables of their various hosts. The experience led them to a higher estimate of Roman brotherhood than of Roman wealth, and the silver-plate that had done such varied duty was at least responsible for a moral triumph.[3] Only a few years before the commencement of the first war with Carthage

[1] Polyb. xxxii. 11; Diodor. xxxvii. 3. [2] Diod. *l.c.*

[3] Plin. *H. N.* xxxiii. 143 Invenimus legatos Carthaginiensium dixisse nullos hominum inter se benignius vivere quam Romanos. Eodem enim argento apud omnes cenitavisse ipsos.

Rufinus a consular had been expelled from the senate for having ten pounds of the wrought metal in his keeping,[1] and Scipio Aemilianus, a man of the present age, but an adherent of the older school, left but thirty-two pounds' weight to his heir. Less than forty years later the younger Livius Drusus was known to be in possession of plate that weighed ten thousand pounds,[2] and the accretions to the primitive hoard which must have been made by but two or three members of this family may serve as an index of the extent to which this particular form of the passion for display had influenced the minds and practice of the better-class Romans of the day.

There were other objects, valued for their intrinsic worth as much as for the distinction conveyed by their possession, which attracted the ambition and strained the revenues of the fashionable man. Works of art must once have been cheap on the Roman market; for, even if we refuse to credit the story of Mummius' estimate of the prize which fallen Corinth had delivered into his hands,[3] yet the transhipment of cargoes of the priceless treasures to Rome is at least an historic fact, and the Gracchi must themselves have seen the trains of wagons bearing their precious freight along the Via Sacra to the Capitol. The spoils of the generous conqueror were lent to adorn the triumphs, the public buildings and even the private houses, of others; but much that had been yielded by Corinth had become the property neither of the general nor of the State. Polybius had seen the Roman legionaries playing at draughts on the Dionysus of Aristeides and many another famous canvas which had been torn from its place and thrown as a carpet upon the ground;[4] but many a camp follower must have had a better estimate of the material value of the paintings of the Hellenic masters, and the cupidity of the Roman collector must often have been satisfied at no great cost to his resources. The extent to which a returning army could disseminate its acquired tastes and distribute its captured goods had been shown some forty years before the fall of Corinth when Manlius brought his legions back from the first exploration of the rich cities of Asia. Things and names, of which the Roman had never dreamed, soon gratified the eye and struck the ear with a familiar sound. He learnt to love the bronze couches meant for the dining hall, the slender side tables with the strange foreign name, the delicate tissues woven to

[1] Val. Max. ii. 9, 3.
[2] Plin. *H. N.* xxxiii. 141.
[3] Vellei. i. 13.
[4] Polyb. xl. 7.

form the hangings of the bed or litter, the notes struck from the psalter and the harp by the fingers of the dancing-women of the East.[1] This was the first irruption of the efflorescent luxury of Eastern Hellenism; but some five-and-twenty years before this date Rome had received her first experience of the purer taste of the Greek genius in the West. The whole series of the acts of artistic vandalism which marked the footsteps of the conquering state could be traced back to the measures taken by Claudius Marcellus after the fall of Syracuse. The systematic plunder of works of art was for the first time given an official sanction, and the public edifices of Rome were by no means the sole beneficiaries of this new interpretation of the rights of war. Much of the valuable plunder had found its way into private houses,[2] to stimulate the envious cupidity of many a future governor who, cursed with the taste of a collector and unblessed by the opportunity of a war, would make subtle raids on the artistic treasures of his province a secret article of his administration. When the ruling classes of a nation have been familiarised for the larger part of a century with the easy acquisition of the best material treasures of the world, things that have once seemed luxuries come to fill an easy place in the category of accepted wants. But the sudden supply has stopped; the market value, which plunder has destroyed or lessened, has risen to its normal level; another burden has been added to life, there is one further stimulus to wealth and, so pressing is the social need, that the means to its satisfaction are not likely to be too diligently scrutinised before they are adopted.

More pardonable were the tastes that were associated with the more purely intellectual elements in Hellenic culture—with the influence which the Greek rhetor or philosopher exercised in his converse with the stern but receptive minds of Rome, the love of books, the new lessons which were to be taught as to the rhythmic flow of language and the rhythmic movement of the limbs. The Greek adventurer was one of the most striking features of the epoch which immediately followed the close of the great wars.

[1] Liv. xxxix. 6 Lectos aeratos . . . plagulas . . . monopodia et abacos Romam advexerunt. Tunc psaltriae sambucistriaeque et convivalia ludionum oblectamenta addita epulis. *Cf.* Plin. *H. N.* xxxiv. 14.

[2] Polyb. ix. 10 Ῥωμαῖοι δὲ μετακομίσαντες τὰ προειρημένα ταῖς μὲν ἰδιωτικαῖς κατασκευαῖς τοὺς αὑτῶν ἐκόσμησαν βίους, ταῖς δὲ δημοσίαις τὰ κοινὰ τῆς πόλεως. Another great raid was that made by Fulvius Nobilior in 189 B.C. on the art treasures of the Ambraciots (Signa aenea marmoreaque et tabulae pictae, Liv. xxxviii. 9).

Later thinkers, generally of the resentfully national, academic and pseudo-historical type, who repudiated the amenities of life which they continued to enjoy, and cherished the pleasing fiction of the exemplary *mores* of the ancient times, could see little in him but a source of unmixed evil;[1] and indeed the Oriental Greek of the commoner type, let loose upon the society of the poorer quarters, or worming his way into the confidence of some rich but uneducated master, must often have been the vehicle of lessons that would better have been unlearnt. But Italy also saw the advent of the best professors of the age, golden-mouthed men who spoke in the language of poetry, rhetoric and philosophy, and who turned from the wearisome competition of their own circles and the barren fields of their former labours to find a flattering attention, a pleasing dignity, and the means of enjoying a full, peaceful and leisured life in the homes of Roman aristocrats, thirsting for knowledge and thirsting still more for the mastery of the unrivalled forms in which their own deeds might be preserved and through which their own political and forensic triumphs might be won. Soon towns of Italy —especially those of the Hellenic South—would be vying with each other to grant the freedom of their cities and other honours in their gift to a young emigrant poet who hailed from Antioch, and members of the noblest houses would be competing for the honour of his friendship and for the privilege of receiving him under their roof.[2] The stream of Greek learning was broad and strong;[3] it bore on its bosom every man and woman who aimed at a reputation for elegance, for wit or for the deadly thrust in verbal fence which played so large a part in the game of politics; every one that refused to float was either an outcast from the best society, or was striving to win an eccentric reputation for national obscurantism and its imaginary accompaniment of honest rustic strength.

Acquaintance with professors and poets led to a knowledge of books; and it was as necessary to store the latter as the former

[1] Plin. *H. N.* xv. 19 Graeci vitiorum omnium genitores.

[2] Cic. *pro Arch.* 3. 5 Erat Italia tum plena Graecarum artium ac disciplinarum . . . Itaque hunc (Archiam) et Tarentini et Regini et Neapolitani civitate ceterisque praemiis donarunt: et omnes, qui aliquid de ingeniis poterant judicare, cognitione atque hospitio dignum existimarunt.

[3] Cic. *de Rep.* ii. 19. 34 Videtur insitiva quadam disciplina doctior facta esse civitas. Influxit enim non tenuis quidam e Graecia rivulus in hanc urbem, sed abundantissimus amnis illarum disciplinarum et artium. Cicero is speaking of the very earliest Hellenic influences on Rome, but his description is just as appropriate to the period which we are considering.

under the fashionable roof. The first private library in Rome was established by Aemilius Paulus, when he brought home the books that had belonged to the vanquished Perseus;[1] and it became as much a feature of conquest amongst the highly cultured to bring home a goodly store of literature as to gather objects of art which might merely please the sensuous taste and touch only the outer surface of the mind.[2]

But it was deemed by no means desirable to limit the influences of the new culture to the minds of the mature. There was, indeed, a school of cautious Hellenists that might have preferred this view, and would at any rate have exercised a careful discrimination between those elements of the Greek training which would strengthen the young mind by giving it a wider range of vision and a new gallery of noble lives and those which would lead to mere display, to effeminacy, nay (who could tell?) to positive depravity. But this could not be the point of view of society as a whole. If the elegant Roman was to be half a Greek, he must learn during the tender and impressionable age to move his limbs and modulate his voice in true Hellenic wise. Hence the picture which Scipio Aemilianus, sane Hellenist and stout Roman, gazed at with astonished eyes and described in the vigorous and uncompromising language suited to a former censor. "I was told," he said, "that free-born boys and girls went to a dancing school and moved amidst disreputable professors of the art. I could not bring my mind to believe it; but I was taken to such a school myself, and Good Heavens! What did I see there! More than fifty boys and girls, one of them, I am ashamed to say, the son of a candidate for office, a boy wearing the golden boss, a lad not less than twelve years of age. He was jingling a pair of castanets and dancing a step which an immodest slave could not dance with decency."[3] Such might have been the reflections of a puritan had he entered a modern dancing-academy. We may be permitted to question the immorality of the exhibition thus displayed, but there can be no doubt as to the social ambition which it reveals—an ambition

[1] Plut. *Paul.* 28.

[2] Sulla brought back the library of Apellicon of Teos, Lucullus the very large one of the kings of Pontus (Plut. *Sulla* 26; *Luc.* 42; Isid. *Orig.* vi. 5). Lucullus allowed free access to his books. Here we get the germ of the public library. The first that was genuinely public belongs to the close of the Republican era. It was founded by Asinius Pollio in the Atrium Libertatis on the Aventine (Plin. *H. N.* vii. 45; Isid. *Orig.* vi. 5).

[3] Macrob. *Sat.* iii. 14. 7.

which would be perpetuated throughout the whole of the life of the boy with the castanets, which would lead him to set a high value on the polish of everything he called his own—a polish determined by certain rigid external standards and to be attained at any hazard, whether by the ruinous concealment of honest poverty, or the struggle for affluence even by the most questionable means.

But the burdens on the wealth of the great were by no means limited to those imposed by merely social canons. Political life at Rome had always been expensive in so far as office was unpaid and its tenure implied leisure and a considerable degree of neglect of his own domestic concerns in the patriot who was willing to accept it. But the State had lately taken on itself to increase the financial expenditure which was due to the people without professing to meet the bill from the public funds. The 'State' at Rome did not mean what it would have meant in such a context amongst the peoples of the Hellenic world. It did not mean that the masses were preying on the richer classes, but that the richer classes were preying on themselves; and this particular form of voluntary self-sacrifice amongst the influential families in the senate was equivalent to the confession that Rome was ceasing to be an Aristocracy and becoming an Oligarchy, was voluntarily placing the claims of wealth on a par with those of birth and merit, or rather was insisting that the latter should not be valid unless they were accompanied by the former. The chief sign of the confession that political advancement might be purchased from the people in a legitimate way, was the adoption of a rule, which was established about the time of the First Punic War, that the cost of the public games should not be defrayed exclusively by the treasury.[1] It was seldom that the people could be brought to contribute to the expenses of the exhibitor by subscriptions collected from amongst themselves;[2] they were the recipients, not the givers of the feast, and the actual donors knew that the exhibition was a contest for favour, that reputations were being won or lost on the merits of the show, and that the successful competitor was laying up a store-house of gratitude which would materially aid his ascent to the highest prizes in the State. The personal cost, if it

[1] Dionys. vii. 71.

[2] They had made contributions in 186 B.C. towards the games of Scipio Asiaticus (Plin. *H. N.* xxxiii. 138).

could not be wholly realised on the existing patrimony of the magistrate, must be assisted by gifts from friends, by loans from money-lenders at exorbitant rates of interest and, worst but readiest of all methods, by contributions, nominally voluntary but really enforced, from the Italian allies and the provincials. As early as the year 180 the senate had been forced to frame a strong resolution against the extravagance that implied oppression;[1] but the resolution was really a criticism of the new methods of government; the roots of the evil (the burden on the magistracy, the increase in the number of the regularly recurring festivals) they neither cared nor ventured to remove. The aedileship was the particular magistracy which was saddled with this expenditure on account of its traditional connection with the conduct of the public games; and although it was neither in its curule nor plebeian form an obligatory step in the scale of the magistracies, yet, as it was held before the praetorship and the consulship, it was manifest that the brilliant display given to the people by the occupant of this office might render fruitless the efforts of a less wealthy competitor who had shunned its burdens.[2] The games were given jointly by the respective pairs of colleagues,[3] the *Ludi Romani* being under the guidance of the curule,[4] the *Ludi Plebeii* under that of the plebeian aediles.[5] Had these remained the only annual shows, the cost to the exhibitor, although great, would have been limited. But other festivals, which had once been occasional, had lately been made permanent. The games to Ceres (*Cerialia*), the remote origins of which may have dated back to the time of the monarchy, first appear as fully established in the year 202;[6] the festival to Flora (*Floralia*) dates from but 238 B.C.,[7] but probably did not become annual until 173;[8] while the games to the Great Mother (*Megalesia*) followed by thirteen years the invitation and hospitable reception of that Phrygian god-

[1] Livy (xl. 44) after describing the *senatus consultum*, in which occur the words Neve quid ad eos ludos arcesseret, cogeret, acciperet, faceret adversus id senatus consultum, quod L. Aemilio Cn. Baebio consulibus de ludis factum esset, adds Decreverat id senatus propter effusos sumptus, factos in ludos Ti. Sempronii aedilis, qui graves non modo Italiae ac sociis Latini nominis sed etiam provinciis externis fuerant.

[2] The effect was still worse when a rich man avoided it. Cic. *de Off.* ii. 17. 58 Vitanda tamen suspicio est avaritiae. Mamerco, homini divitissimo, praetermissio aedilitatis consulatus repulsam attulit. Sulla said that the people would not give him the praetorship because they wished him to be aedile first. They knew that he could obtain African animals for exhibition (Plut. *Sulla* 5).

[3] Cic. *in Verr.* v. 14. 36.

[4] Liv. x. 47; xxvii. 6.

[5] Liv. xxiii. 30.

[6] Liv. xxx. 39.

[7] Plin. *H. N.* xviii. 286.

[8] Mommsen *Röm. Münzw.* p. 645.

dess by the Romans, and became a regular feature in their calendar in 191.[1] This increase in the amenities of the people, every item of which falls within a term of fifty years, is a remarkable feature of the age which followed Rome's assumption of imperial power. It proved that the Roman was willing to bend his austere religion to the purposes of gratification, when he could afford the luxury, that the enjoyment of this luxury was considered a happy means of keeping the people in good temper with itself and its rulers, and that the cost of providing it was considered, not merely as compatible with the traditions of the existing régime, but as a means of strengthening those traditions by closing the gates of office to the poor.

The types of spectacle, in which the masses took most delight, were also new and expensive creations. These types were chiefly furnished by the gladiatorial shows and the hunting of wild beasts. Even the former and earlier amusement had had a history of little more than a hundred years. It was believed to be a relic of that realistic view of the after life which lingered in Italy long after it had passed from the more spiritual civilisation of the Greeks. The men who put each other to the sword before the eyes of the sorrowing crowd were held to be the retinue which passed with the dead chieftain beyond the grave, and it was from the sombre rites of the Etruscans that this custom of ceremonial slaying was believed to have been transferred to Rome. The first year of the First Punic War witnessed the earliest combat that accompanied a Roman funeral,[2] and, although secular enjoyment rapidly took the place of grim funereal appreciation, and the religious belief that underlay the spectacle may soon have passed away, neither the State nor the relatives were supposed to have done due honour to the illustrious dead if his own decease were not followed by the death-struggle of champions from the rival gladiatorial schools, and men who aspired to a decent funeral made due provision for such combats in their wills. The Roman magistrate bowed to the prevalent taste, and displays of gladiators became one of the most familiar features of the aediles' shows. Military sentiment was in its favour, for it was believed to harden the nerves of the race that had sprung from the

[1] Liv. xxxvi. 36. On these festivals see Warde Fowler *The Roman Festivals* pp. 72. 91. 70. The *Megalesia* seem to have fallen to the lot of the curule aediles (Dio. Cass. xliii. 48), the others to have been given indifferently by either pair.

[2] Val. Max. ii. 4. 7 ; Liv. *Ep.* xvi. It was exhibited in the Forum Boarium by Marcus and Decimus Brutus at the funeral of their father.

loins of the god of war,[1] and humane sentiment has never in any age been shocked at the contemporary barbarities which it tolerates or enjoys. But a certain element of coarseness in the sport, and perhaps the very fact that it was of native Italian growth, might have given it a short shrift, had the cultured classes really possessed the power of regulating the amusements of the public. Leaders of society would have preferred the Greek *Agôn* with its graceful wrestling and its contests in the finer arts. But the Roman public would not be hellenised in this particular, and showed their mood when a musical exhibition was attempted at the triumph of Lucius Anicius Gallus in 167. The audience insisted that the performers should drop their instruments and box with one another.[2] This, although not the best, was yet a more tolerable type of what a contest of skill should be. It was natural, therefore, that the professional fighting man should become a far more inevitable condition of social and political success than the hunter or the race-horse has ever been with us. Some enterprising members of the nobility soon came to prefer ownership to the hire system and started schools of their own in which the *lanista* was merely the trainer. A stranger element was soon added to the possessions of a Roman noble by the growing craze for the combats of wild beasts. The first recorded "hunt" of the kind was that given in 186 by Marcus Fulvius at the close of the Aetolian war when lions and panthers were exhibited to the wondering gaze of the people.[3] Seventeen years later two curule aediles furnished sixty-three African lions and forty bears and elephants for the Circensian games.[4] These menageries eventually became a public danger and the curule aedile (himself one of the chief offenders) was forced to frame an edict specifying the compensation for damage that might be committed by wild beasts in their transit through Italy or their residence within the towns.[5] The obligation of wealth to supply luxuries for the poor—a splendid feature of ancient civilisation in which it has ever taken precedence of that of the modern world—was recognised with the utmost frankness in the Rome of the day; but it was an obligation that had passed the limits at which it could be cheerfully performed as the

[1] Compare Livy's description (xli. 20) of the adoption of Roman gladiatorial shows by Antiochus Epiphanes—Armorum studium plerisque juvenum accendit.

[2] Polyb. xxx. 13. [3] Liv. xxxix. 22. [4] Liv. xliv. 18.

[5] Dig. 21. 1. 40-42 (from the edict of the curule aediles) Ne quis canem, verrem vel minorem aprum, lupum, ursum, pantheram, leonem . . . qua vulgo iter fiet, ita habuisse velit, ut cuiquam nocere damnumve dare possit.

duty of the patriot or the patron; it had reached a stage when its demoralising effects, both to giver and to receiver, were patent to every seeing eye, but when criticism of its vices could be met by the conclusive rejoinder that it was a vital necessity of the existing political situation.[1]

The review which we have given of the enormous expenditure created by the social and political appetites of the day leads up to the consideration of two questions which, though seldom formulated or faced in their naked form, were ever present in the minds of the classes who were forced to deem themselves either the most responsible authors, or the most illustrious victims, of the existing standards both of politics and society. These questions were "Could the exhausting drain be stopped?" and "If it could not, how was it to be supplied?" A city in a state of high fever will always produce the would-be doctor; but the curious fact about the Rome of this and other days is that the doctor was so often the patient in another form. Just as in the government of the provinces the scandals of individual rule were often met by the severest legislation proceeding from the very body which had produced the evil-doers, so when remedies were suggested for the social evils of the city, the senate, in spite of its tendency to individual transgression, generally displayed the possession of a collective conscience. The men who formulated the standard of purity and self-restraint might be few in number; but, except they displayed the irritating activity and the uncompromising methods of a Cato, they generally secured the support of their peers, and the sterner the censor, the more gladly was he hailed as an ornament to the order. This guardian of morals still issued his edicts against delicacies of the table, foreign perfumes and expensive houses;[2] as late as the year 169 people would hastily put out their lights when it was reported that Tiberius Sempronius Graccus was coming up the street on his return from supper, lest they should fall under the suspicion of untimely revelry,[3] and the sporadic activity of the censorship will find ample illustration in the future chapters of our work. Degradation from the various orders of the State was still a consequence of its animad-

[1] Cic. *de Off.* ii. 17. 60 Tota igitur ratio talium largitionum genere vitiosa est, temporibus necessaria. He adds the pious but unattainable wish Tamen ipsa et ad facultates accomodanda et mediocritate moderanda est. Compare the remarks of Pöhlmann on the subject in his *Geschichte des antiken Communismus und Sozialismus* ii. 2. p. 471.

[2] Mommsen *Staatsr.* ii., p. 382. [3] Plut. *Ti. Gracch.* 14.

versions; but a milder, more universal and probably far more efficacious check on luxury—the system, pursued by Cato, of adopting an excessive rating for articles of value[1] and thus of shifting the incidence of taxation from the artisan and farmer to the shoulders of the richest class[2]—had been taken out of its hands by the complete cessation of direct imposts after the Third Macedonian War.[3]

Meanwhile sumptuary laws continued to be promulgated from the Rostra and accepted by the people. All that are known to have been initiated or to have been considered valid after the close of the great wars have but one object—an attack on the expenses of the table, a form of sensuous enjoyment which, on account of the ease and barbaric abundance with which wealth may vaunt itself in this domain, was particularly in vogue amongst the upper classes in Rome. Other forms of extravagance seem for the time to have been left untouched by legislation, for the Oppian law which had been due to the strain of the Second Punic War had been repealed after a fierce struggle in 195, and the Roman ladies might now adorn themselves with more than half an ounce of gold, wear robes of divers colours and ride in their carriages through any street they pleased.[4] The first enactment which attempted to control the wastefulness of the table was an Orchian law of 181, limiting the number of guests that might be invited to entertainments. Cato was consistent in opposing the passing of the measure and in resisting its repeal. He recognised a futile law when he saw it, but he did not wish this futility to be admitted.[5] Twenty years later[6] a Fannian law grew out of a decree of the senate which had enjoined that the chief men (*principes*) of the State should take an oath before the consuls not to exceed a certain limit of expense in the banquets given at the Megalesian Games. Strengthened by this expression of opinion the consuls then went to the people

[1] Liv. xxxix. 44; Plut. *Cat. Maj.* 18.

[2] Nitzsch *Die Gracchen*, p. 128.

[3] Cic. *de Off.* ii. 22. 76 (Paullus) tantum in aerarium pecuniae invexit, ut unius imperatoris praeda finem attulerit tributorum. A deterrent to luxury could still have been created by imposing heavy harbour-dues on articles of value; but this would have required legislation. Nothing is known about the Republican tariff at Italian ports. The percentage may have been uniform for all articles.

[4] Liv. xxxiv. cc. 1-8; Val. Max. ix. 1. 3; Tac. *Ann.* iii. 33.

[5] Macrob. *Sat.* iii. 17; Festus pp. 201, 242; Schol. Bob. p. 310; Meyer *Orat. Rom. Fragm.* p. 91.

[6] This date (161) is given by Pliny (*H. N.* x. 139); Macrobius (*Sat.* iii. 17. 3) places the law in 159.

with a measure which prescribed more harrassing details than the Orchian law. The new enactment actually determined the value and nature of the eatables whose consumption was allowed. It permitted one hundred asses to be spent on the days of the Roman Games, the Plebeian Games and the Saturnalia, thirty asses on certain other festival occasions, and but ten asses (less than twice the daily pay of a Roman soldier) on every other meal throughout the year; it forbade the serving of any fowl but a single hen, and that not fattened; it enjoined the exclusive consumption of native wine.[1] This enactment was strengthened eighteen years later by a Didian law, which included in the threatened penalties not only the giver of the feast which violated the prescribed limits, but also the guests who were present at such a banquet. It also compelled or induced the Italian allies to accept the provisions of the Fannian law[2]—an unusual step which may show the belief that a luxury similar to that of Rome was weakening the resources of the confederacy, on whose strength the leading state was so dependent, or which may have been induced by the knowledge that members of the Roman nobility were taking holiday trips to country towns, to enjoy the delights which were prohibited at home and to waste their money on Italian caterers.[3]

The frequency of such legislation, which we shall find renewed once again before the epoch of the reforms of Sulla[4] seems to prove its ineffectiveness,[5] and indeed the standard of comfort which it desired to enjoin was wholly incompatible with the circumstances of the age. The desire to produce uniformity[6] of standard had always been an end of Roman as of Greek sumptuary regulation, but what type of uniformity could be looked for in a community where the

[1] Gell. ii. 24; Macrob. *Sat.* iii. 17; Plin. *H. N.* x. 139; Tertull. *Apol.* vi. The ten asses of this law are the Fanni centussis misellus of Lucilius.

[2] It seems that we must assume formal acceptance on the part of the allies in accordance with the principle that Rome could not legislate for her confederacy, a principle analogous to that which forbade her to force her franchise on its members (Cic. *pro Balbo* 8. 20 and 21).

[3] We may compare the enactment of 193 B.C., which was produced by the discovery that Roman creditors escaped the usury laws by using Italians as their agents (Liv. xxxv. 7 M. Sempronius tribunus plebis . . . plebem rogavit plebesque scivit ut cum sociis ac nomine Latino creditae pecuniae jus idem quod cum civibus Romanis esset).

[4] The *Lex Licinia*, which is attributed by Macrobius (*l.c.*) to P. Licinius Crassus Dives, perhaps belongs either to his praetorship (104 B.C.) or to his consulship (97 B.C.).

[5] Gellius (ii. 24), in speaking of Sulla's experiments, says of the older laws Legibus istis situ atque senio obliteratis.

[6] *Exaequatio* (Liv. xxxiv. 4).

extremes of wealth and poverty were beginning to be so strongly marked, where capital was accumulating in the hands of the great noble and the great trader and being wholly withdrawn from those of the free-born peasant and artisan? The restriction of useless consumption was indeed favourable to the more productive employment of capital; but we shall soon see that this productive use, which had as its object the deterioration of land by pasturage and the purchase of servile labour, was as detrimental to the free citizen as the most reckless extravagance could have been. There is no question, however, that both the sumptuary laws and the censorian ordinances of the period did attempt to attain an economic as well as a social end; and, however mistaken their methods may have been, they showed some appreciation of the industrial evils of the time. The provision of the Fannian law in favour of native wines[1] suggests the desire to help the small cultivator who had substituted vine-growing for the cultivation of cereals, and foreshadows the protective legislation of the Ciceronian period.[2] Much of this legislation, too, was animated by the "mercantile" theory that a State is impoverished by the export of the precious metals to foreign lands[3] —a view which found expression in a definite enactment of an earlier period which had forbidden gold or silver to be paid to the Celtic tribes in the north of Italy in exchange for the wares or slaves which they sold to Roman merchants.[4]

Another series of laws aimed at securing the purity of an electorate exposed to the danger of corruption by the overwhelming influence of wealth. Laws against bribery, unknown in an earlier period,[5] become painfully frequent from the date at which Rome came into contact with the riches of the East. Six years after the close of the great Asiatic campaign the people were asked, on the authority of the senate, to sanction more than one act which was directed

[1] P. 29. [2] Cic. *de Rep.* iii. 9. 16; see p. 80.

[3] Compare Tac. *Ann.* iii. 53. The Emperor Tiberius here speaks of Illa feminarum propria, quis lapidum causa pecuniae nostrae ad externas aut hostilis gentes transferuntur.

[4] The prohibition belongs to the year 229 B.C. (Zonar. viii. 19). For other prohibitions of the same kind dating from a period later than that which we are considering see Voigt in Iwan-Müller's *Handbuch* iv. 2, p. 376 n. 95.

[5] Earlier enactments had been directed against canvassing, but not against bribery. The simplicity of the fifth century B.C. was illustrated by the law that a candidate should not whiten his toga with chalk (Liv. iv. 25; 433 B.C.). The *Lex Poetelia* of 358 B.C. (Liv. vii. 16) was directed against personal solicitation by *novi homines*. Some law of *ambitus* is known to Plautus (*Amph. prol.* 73; *cf. Trinumm.* iv. 3. 26). See Rein *Criminalrecht* p. 706.

against the undue influence exercised at elections;[1] in 166 fresh scandals called for the consideration of the Council of State;[2] and the year 159 saw the birth of another enactment.[3] Yet the capital penalty, which seems to have been the consequence of the transgression of at least one of these laws,[4] did not deter candidates from staking their citizenship on their success. The still-surviving custom of clientship made the object of largesses difficult to establish, and the secrecy of the ballot, which had been introduced for elections in 139, made it impossible to prove that the suspicious gift had been effective and thus to construct a convincing case against the donor.

The moral control exercised by the magistrate and the sumptuary or criminal ordinances expressed in acts of Parliament might serve as temporary palliatives to certain pronounced evils of the moment; but they were powerless to check the extravagance of an expenditure which was sanctioned by custom and in some respects actually enforced by law.[5] One of the greatest of the practical needs of the new Roman was to increase his income in every way that might be deemed legitimate by a society which, even in its best days, had never been overscrupulous in its exploitation of the poor and had been wont to illustrate the sanctity of contract by visible examples of grinding oppression. The nature and intensity of the race for wealth differed with the needs of the anxious spendthrift; and in respect both to needs and to means of satisfaction the upper middle class was in a far more favourable position than its noble governors. It could spend its unfettered energies in the pursuit of the profits which might be derived from public contracts, trade, banking and money-lending, while it was not forced to submit to the drain created by the canvass for office and the exorbitant demands made by the electorate on the pecuniary resources of the candidate. The brilliancy of the life of the mercantile class, with its careless luxury and easy indifference to expenditure, set a standard for the nobility which was at once galling and degrading. They were induced to apply the measure of wealth even to members of their own order, and regarded it as inevitable that any one of their

[1] Liv. xl. 19 Leges de ambitu consules ex auctoritate senatus ad populum tulerunt. This was the *lex Cornelia Baebia* and that it referred to pecuniary corruption is known from a fragment of Cato (*ap. Non.* vii. 19, *s.v.* largi, Cato lege Baebia: pecuniam inlargibo tibi).

[2] Obsequens lxxi.

[3] Liv. *Ep.* xlvii.

[4] Polyb. vi. 56 *παρὰ μὲν Καρχηδονίοις δῶρα φανερῶς διδόντες λαμβάνουσι τὰς ἀρχάς, παρὰ δὲ Ῥωμαίοις θάνατός ἐστι περὶ τοῦτο πρόστιμον.*

[5] P. 23.

peers, whose patrimony had dwindled, should fill but a subordinate place both in politics and society;[1] while the means which they were sometimes forced to adopt in order to vie with the wealth of the successful contractor and promoter were, if hardly less sound from a moral point of view, at least far more questionable from a purely legal standpoint.

A fraction of the present wealth which was in the possession of some of the leading families of the nobility may have been purely adventitious, the result of the lucky accident of command and conquest amidst a wealthy and pliant people. The spoils of war were, it is true, not for the general but for the State; yet he exercised great discretionary power in dealing with the movable objects, which in the case of Hellenic or Asiatic conquest formed one of the richest elements in the prize, and the average commander is not likely to have displayed the self-restraint and public spirit of the destroyer of Corinth.[2] Public and military opinion would permit the victor to retain an ample share of the fruits of his prowess, and this would be increased by a type of contribution to which he had a peculiar and unquestioned claim. This consisted in the honorary offerings made by states, who found themselves at the feet of the victor and were eager to attract his pity and to enlist on their behalf his influence with the Roman government. Instances of such offerings are the hundred and fourteen golden crowns which were borne in the triumph of Titus Quinctius Flamininus,[3] those of two hundred and twelve pounds' weight shown in the triumph of Manlius,[4] and the great golden wreath of one hundred and fifty pounds which had been presented by the Ambraciots to Nobilior.[5] But the time had not yet been reached when the general on a campaign, or even the governor of a district which was merely disturbed by border raids, could calmly demand hard cash as the equivalent of the precious metal wrought into this useless form, and when the "coronary gold" was to be one of the regular perquisites of any Roman governor who claimed to have achieved military success.[6] Nor is it likely that the triumphant general of this period melted down the offerings which he

[1] The position of the ruined patrician will be fully illustrated in the following pages when we deal with the careers of Scaurus and of Sulla.

[2] P. 19.

[3] Liv. xxxiv. 52.

[4] Liv. xxxix. 7.

[5] Liv. xxxviii. 9.

[6] For the later history of the *aurum coronarium* see Marquardt *Staatsverw.* ii. p. 295. It was developed from the *triumphales coronae* (Festus p. 367) and is described as gold Quod triumphantibus . . . a victis gentibus datur and as imposed by commanders Propter concessam vitam (*al.* immunitatem) (Serv. *Ad. Aen.* viii. 721).

might dedicate in temples or reserve for the gallery of his house, and we must conclude that the few members of the nobility who had conducted the great campaigns were but slightly enriched by the offerings which helpless peoples had laid at their feet. It would be almost truer to say that the great influx of the precious metals had increased the difficulties of their position; for, if the gold or silver took the form of artistic work which remained in their possession, it but exaggerated the ideal to which their standard of life was expected to conform; and if it assumed the shape of the enormous amount of specie which was poured into the coffers of the State or distributed amongst the legionaries, its chief effects were the heightening of prices and a showy appearance of a vast increase of wealth which corresponded to no real increase in production.

But, whatever the effects of the metallic prizes of the great campaigns, these prizes could neither have benefited the members of the nobility as a whole nor, in the days of comparative peace which had followed the long epoch of war with wealthy powers, could they be contemplated as a permanent source of future capital or income. When the representative of the official caste looked round for modes of fruitful investment which might increase his revenues, his chances at first sight appeared to be limited by legal restrictions which expressed the supposed principles of his class. A Clodian law enacted at the beginning of the Second Punic War had provided that no senator or senator's son should own a ship of a burden greater than three hundred amphorae. The intention of the measure was to prohibit members of the governing class from taking part in foreign trade, as carriers, as manufacturers, or as participants in the great business of the contract for corn which placed provincial grain on the Roman market; and the ships of small tonnage which they were allowed to retain were intended to furnish them merely with the power of transporting to a convenient market the produce of their own estates in Italy.[1] The restriction was not imposed in a self-regarding spirit; it was odious to the nobility, and, as it was supported by Flaminius, must have been popular with the masses, who were blind to the fact that the restriction of a senator's energies to agriculture would be infinitely more disastrous to the well-being of the average citizen than the

[1] Liv. xxi. 63 (218 B.C.) Id satis habitum ad fructus ex agris vectandos; quaestus omnis patribus indecorus visus.

expenditure of those energies in trade. The restriction may have received the support of the growing merchant class, who were perhaps pleased to be rid of the competition of powerful rivals, and it certainly served, externally at least, to mark the distinction between the man of large industrial enterprises and the man whose official rank was supported by landed wealth—a distinction which, in the shape of the contrast drawn between knights and senators, appears at every turn in the history of the later Republic. But, whatever the immediate motives for the passing of the measure, a great and healthy principle lay behind it. It was the principle that considerations of foreign policy should not be directly controlled or hampered by questions of trade, that the policy of the State should not become the sport of the selfish vagaries of capital. The spirit thus expressed was directly inimical to the interests of the merchant, the contractor and the tax-farmer. How inimical it was could not yet be clearly seen; for the transmarine interests of Rome had not at the time attained a development which invited the mastery of conquered lands by the Roman capitalist. But, whether this Clodian law created or merely formulated the antithesis between land and trade, between Italian and provincial profits, it is yet certain that this antithesis was one of the most powerful of the animating factors of Roman history for the better part of the two centuries which were to follow the enactment. It produced the conflict between a policy of restricted enterprise, pursued for the good of the State and the subject, and a policy of expansion which obeyed the interests of capital, between a policy of cautious protection and that madness of imperialism which is ever associated with barbarism, brigandage or trade.

But, if we inquire whether this enactment attained its ostensible object of completely shutting out senators from the profits of any enterprise that could properly be described as commercial, we shall find an affirmative answer to be more than dubious. The law was a dead letter when Cicero indicted Verres,[1] but its demise may have been reached through a long and slow process of decline. But, even if the provisions of the law had been adhered to throughout the period which we are considering, the avenue to wealth derived from business intercourse with the provinces would not necessarily have been closed to the official class. We shall soon see that the

[1] It was antiqua et mortua (Cic. *in Verr.* v. 18. 45).

companies which were formed for undertaking the state-contracts probably permitted shares to be held by individuals who never appeared in the registered list of partners at all,[1] and we know that to hold a share in a great public concern was considered one of the methods of business which did not subject the participant to the taint of a vulgar commercialism.[2] And, if the senator chose to indulge more directly in the profits of transmarine commerce, to what extent was he really hindered by the provisions of the law? He might not own a ship of burden, but his freedmen might sail to any port on the largest vessels, and who could object if the returns which the dependant owed his lord were drawn from the profits of commerce? Again there was no prohibition against loans on bottomry, and Cato had increased his wealth by becoming through his freedman a member of a maritime company, each partner in which had but a limited liability and the prospect of enormous gains.[3] The example of this energetic money-getter also illustrates many ways in which the nobleman of business tastes could increase his profits without extending his enterprises far from the capital. It was possible to exploit the growing taste in country villas, in streams and lakes and natural woods; to buy a likely spot for a small price, let it at a good rental, or sell it at a larger price. The ownership of house property within the town, which grew eventually into the monopoly of whole blocks and streets by such a man as Crassus,[4] was in every way consistent with the possession of senatorial rank. It was even possible to be a slave-dealer without loss of dignity, at least if one transacted the sordid details of the business through a slave. The young and promising boy required but a year's training in the arts to enable the careful buyer to make a large profit by his sale.[5] Yet such methods must have been regarded by the nobility as a whole as merely subsidiary means of increasing their patrimony: and, in spite of the fact that Cato took the view that agriculture should

[1] P. 44.

[2] Cicero (*Parad.* 6. 46) speaks of those Qui honeste rem quaerunt mercaturis faciendis, operis dandis, publicis sumendis. Compare the category of banausic trades in *de Off.* 1. 42. 150, although in the *Paradoxa* the contrast is rather that between honest and vicious methods of money-making. Deloume (*Les manieurs d'argent à Rome* pp. 58 ff.) believes that the fortune of Cicero swelled through participation in *publica*.

[3] Plut. *Cato Maj.* 21.

[4] Plut. *Crass.* 2.

[5] Plut. *Cato Maj.* 21. Cato employed this method of training as a means of increasing the *peculium* of his own slaves. But even the *peculium* technically belonged to the master, and it is obvious that the slave-trainer might have been used by others as a mere instrument for the master's gain.

be an amusement rather than a business,[1] there can be no doubt that the staple of the wealth of the official class was still to be found in the acres of Italy. It was not, however, the wealth of the moderate homestead which was to be won from a careful tillage of the fields; it was the wealth which, as we shall soon see, was associated with the slave-capitalist, the overseer, a foreign method of cultivation on the model of the grand plantation-systems of the East, and a belief in the superior value of pasturage to tillage which was to turn many a populous and fertile plain into a wilderness of danger and desolation.

But, strive as he would, there was many a nobleman who found that his expenditure could not be met by dabbling in trade where others plunged, or by the revenues yielded by the large tracts of Italian soil over which he claimed exclusive powers. The playwright of the age has figured Indigence as the daughter of Luxury[2]; and a still more terrible child was to be born in the Avarice which sprang from the useless cravings and fierce competitions of the time.[3] The desire to get and to hold had ever been a Roman vice; but it had also been the unvarying assumption of the Roman State, and the conviction of the Roman official—a conviction so deeply seated and spontaneous as to form no ground for self-congratulation—that the lust for acquisition should limit itself to the domain of private right, and never cross the rigid barrier which divided that domain from the sphere of wealth and power which the city had committed to its servant as a solemn trust. The better sort of overseer was often found in the crabbed man of business—a Cato, for example—who would never waive a right of his own and protected those of his dependants with similar tenacity and passion. The honour which prevailed in the commercial code at home was considered so much a matter of course in all dealings with the foreign world, that the State scorned to scrutinise the expenditure of its ministers and was spared the disgrace of a system

[1] Plut. *l.c.* ἀπτόμενος δὲ συντονώτερον πορισμοῦ τὴν μὲν γεωργίαν μᾶλλον ἠγεῖτο διαγωγὴν ἢ πρόσοδον.

[2] Plaut. *Trinumm. Prol.* 8

Primum mihi Plautus nomen Luxuriae indidit:
Tum hanc mihi gnatam esse voluit Inopiam.

[3] Liv. xxxiv. 4 (Cato's speech in defence of the Oppian law) Saepe me querentem de feminarum, saepe de virorum, nec de privatorum modo, sed etiam magistratuum sumptibus audistis; diversisque duobus vitiis, avaritia et luxuria, civitatem laborare. Compare Sallust's impressions of a later age (*Cat.* 3) Pro pudore, pro abstinentia, pro virtute, audacia, largitio, avaritia vigebant.

of public audit. Even in this age, which is regarded by the ancient historians as marking the beginning of the decline in public virtue, Polybius could contrast the attitude of suspicion towards the guardians of the State, which was the characteristic of the official life of his own unhappy country, with the well-founded confidence which Rome reposed in the honour of her ministers, and could tell the world that "if but a talent of money were entrusted to a magistrate of a Greek state, ten auditors, as many seals and twice as many witnesses are required for the security of the bond; yet even so faith is not observed; while the Roman in an official or diplomatic post, who handles vast sums of money, adheres to his duty through the mere moral obligation of the oath which he has sworn"; that "amongst the Romans the corrupt official is as rare a portent as is the financier with clean hands amongst other peoples".[1] When the elder Africanus tore up the account books of his brother—books which recorded the passage of eighteen thousand talents from an Asiatic king to a Roman general and from him to the Roman State[2]—he was imparting a lesson in confidence, which was immediately accepted by the senate and people. And it seems that, so far as the expenditure of public moneys was concerned, this confidence continued to be justified. It is true that Cato had furiously impugned the honour of commanders in the matter of the distribution of the prizes of war amongst the soldiers and had drawn a bitter contrast between private and official thieves. "The former," he said, "pass their lives in thongs and iron fetters, the latter in purple and gold."[3] But there were no fixed rules of practice which guided such a distribution, and a commander, otherwise honest, might feel no qualms of conscience in exercising a selective taste on his own behalf. On the other hand, deliberate misappropriation of the public funds seems to have been seldom suspected or at least seldom made the subject of judicial cognisance, and for many years after a standing court was established for the trial of extortion no similar tribunal was thought necessary for the crime of peculation.[4] Apart from the long, tortuous and ineffective trial of the Scipios,[5] no question of the kind is known to have been raised since Manius Acilius Glabrio, the conqueror of Antiochus and

[1] Polyb. vi. 56. [2] Polyb. xxiv. 9.

[3] Cato *ap.* Gell. xi. 18. 18. The speech was one De praeda militibus dividenda.

[4] We first hear of a standing court for *peculatus* in 66 B.C. (Cic. *pro Cluent.* 53. 147). It was probably established by Sulla.

[5] Rein *Criminalr.* pp. 680 ff.; Mommsen *Röm. Forsch.* ii. pp. 437 ff.

the Aetolians, competed for the censorship. Then a story, based on the existence of the indubitable wealth which he was employing with a lavish hand to win the favour of the people, was raked up against him by some jealous members of the nobility. It was professed that some money and booty, found in the camp of the king, had never been exhibited in the triumph nor deposited in the treasury. The evidence of legates and military tribunes was invited, and Cato, himself a competitor for the censorship, was ready to testify that gold and silver vases, which he had seen in the captured camp, had not been visible in the triumphal procession. Glabrio waived his candidature, but the people were unwilling to convict and the prosecution was abandoned.[1] Here again we are confronted by the old temptation of curio-hunting, which the nobility deemed indecent in so "new" a man as Glabrio; the evidence of Cato—the only testimony which proved dangerous—did not establish the charge that money due to the State had been intercepted by a Roman consul.

But the regard for the property of the State was unfortunately not extended to the property of its clients. Even before the provinces had yielded a prey rendered easy by distance and irresponsibility, Italian cities had been forced to complain of the violence and rapacity of Roman commanders quartered in their neighbourhood,[2] and the passive silence with which the Praenestines bore the immoderate requisitions of a consul, was a fatal guarantee of impunity which threatened to alter for ever the relations of these free allies to the protecting power.[3] But provincial commands offered greater temptations and a far more favourable field for capricious tyranny; for here the exactions of the governor were neither repudiated by an oath of office nor at first even forbidden by the sanctions of a law. Requisitions could be made to meet the needs of the moment, and these needs were naturally interpreted to suit the cravings and the tastes of the governor of the moment.[4] Cato not only cut down

[1] Liv. xxxvii. 57 and 58 (190 B.C.).

[2] See especially the case of Pleminius, Scipio's lieutenant at Locri (204 B.C.), who, after a committee had reported on the charge, was conveyed to Rome but died in bonds before the popular court had pronounced judgment (Liv. xxix. 16-22).

[3] Liv. xlii. 1 (173 B.C.) Silentium, nimis aut modestum aut timidum Praenestinorum, jus, velut probato exemplo, magistratibus fecit graviorum in dies talis generis imperiorum.

[4] For such requisitions see Plut. *Cato Maj.* 6 (of Cato's government of Sardinia) *τῶν πρὸ αὐτοῦ στρατηγῶν εἰωθότων χρῆσθαι καὶ σκηνώμασι δημοσίοις καὶ κλίναις καὶ ἱματίοις, πολλῇ δὲ θεραπείᾳ καὶ φίλων πλήθει καὶ περὶ δεῖπνα δαπάναις καὶ παρασκευαῖς βαρυνόντων.*

the expenses that had been arbitrarily imposed on the unhappy natives of Sardinia,[1] but seems to have been the author of a definite law which fixed a limit to such requisitions in the future.[2] But it was easier to frame an ordinance than to guarantee its observation, and, at a time when the surrounding world was seething with war, the regulations made for a peaceful province could not touch the actions of a victorious commander who was following up the results of conquest. Complaints began to pour in on every hand—from the Ambraciots of Greece, the Cenomani of Gaul[3]—and the senate did its best, either by its own cognisance or by the creation of a commission of investigation, to meet the claims of the dependent peoples. A kind of rude justice was the result, but it was much too rude to meet an evil which was soon seen to be developing into a trade of systematic oppression. A novel step was taken when in 171 delegates from the two Spains appeared in the Curia to complain of the avarice and insolence of their Roman governors. A praetor was commissioned to choose from the senatorial order five of such judges as were wont to be selected for the settlement of international disputes (*recuperatores*), to sit in judgment on each of the indicted governors,[4] and the germ of a regular court for what had now become a regular offence was thus developed. The further and more shameful confession, that the court should be permanent and interpret a definite statute, was soon made, and the Calpurnian law of 149[5] was the first of that long series of enactments for extortion which mark the futility of corrective measures in the face of a weak system of legal, and a still weaker system of moral, control. Trials for extortion soon became the plaything of politics, the favourite arena for the exercise of the energies of a young and rising politician, the favourite weapon with which old family feuds might be at once revenged and perpetuated. They were soon destined to gain a still greater significance as furnishing the criteria of the methods of administration which the State was expected to employ, as determining the respective rights of the administrator and the

[1] Liv. xxxii. 27 Sumptus, quos in cultum praetorum socii facere soliti erant, circumcisi aut sublati (198 B.C.).

[2] The *Lex de Termessibus* (a charter of freedom given to Termessus in Pisidia in 71 B.C.) enjoins (ii. l. 15) Nei . . . quis magistratus . . . inperato, quo quid magis iei dent praebeant ab ieisve auferatur nisei quod eos ex lege Porcia dare praebere oportet oportebit. This Porcian law was probably the work of Cato (Rein *Criminalr.* p. 607).

[3] Liv. xxxviii. 43; xxxix. 3; Rein, *l.c.*

[4] Liv. xliii. 2.

[5] Cic. *Brut.* 27. 106; *de Off.* ii. 21. 75; *cf. in Verr.* iii. 84. 195; iv. 25. 56.

capitalist to guide the destinies of the inhabitants of a dependent district. Their manifold political significance destroys our confidence in their judgments, and we can seldom tell whether the acquittal or the condemnation which these courts pronounced was justified on the evidence adduced. But there can be no question of the evil that lay behind this legislative and judicial activity. The motive which led men to assume administrative posts abroad was in many cases thoroughly selfish and mean,—the desire to acquire wealth as rapidly as was consistent with keeping on the safe side of a not very exacting law. No motive of this kind can ever be universal in a political society, and in Rome we cannot even pronounce it to be general. Power and distinction attracted the Roman as much as wealth, and some governors were saved from temptation by the colossal fortunes which they already possessed. But how early it had begun to operate in the minds of many is shown by the eagerness which, as we shall see, was soon to be displayed by rival consuls for the conduct of a war that might give the victor a prolonged control over the rich cities which had belonged to the kingdom of Pergamon, if it is not proved by the strange unwillingness which magistrates had long before exhibited to assume some commands which had been entrusted to their charge.[1]

A suspicion of another type of abuse of power, more degrading though not necessarily more harmful than the plunder of subjects, had begun to be raised in the minds of the people and the government. It was held that a Roman might be found who would sell the supposed interests of his country to a foreign potentate, or at any rate accept a present which might or might not influence his judgment. A commissioner to Illyria had been suspected of pocketing money offered him by the potentates of that district in 171,[2] and the first hint was given of that shattering of public confidence in the integrity of diplomatists which wrought such havoc in the foreign politics of the period which forms the immediate subject

[1] Liv. xli. 15. (176 B.C.) Duo (praetores) deprecati sunt ne in provincias irent, M. Popillius in Sardiniam: Gracchum eam provinciam pacare &c. . . . Probata Popillii excusatio est. P. Licinius Crassus sacrificiis se impediri sollemnibus excusabat, ne in provinciam iret. Citerior Hispania obvenerat. Ceterum aut ire jussus aut jurare pro contione sollemni sacrificio se prohiberi . . . Praetores ambo in eadem verba jurarunt. I have seen the passage cited as a proof that governors would not go to unproductive provinces; but Sardinia was a fruitful sphere for plunder, and the excuses may have been genuine. That of Popillius seems to have been positively patriotic.

[2] Liv. xlii. 45 Decimius unus sine ullo effectu, captarum etiam pecuniarum ab regibus Illyriorum suspicione infamis, Romam rediit.

of our work. The system of the Protectorate, which Rome had so widely adopted, with its secret diplomatic dealings and its hidden conferences with kings, offered greater facilities for secret enrichment, and greater security for the enjoyment of the acquired wealth, even than the plunder of a province. The proof of the committal of the act was difficult, in most cases impossible. We must be content to chronicle the suspicion of its growing frequency, and the suspicion is terrible enough. If the custom of wringing wealth from subjects and selling support to potentates continued to prevail, the stage might soon be reached at which it could be said, with that element of exaggeration which lends emphasis to a truth, that a small group of men were drawing revenues from every nation in the world.[1]

Such were the sources of wealth that lay open to men, to whom commerce was officially barred and who were supposed to have no direct interest in financial operations. Far ampler spheres of pecuniary enrichment, more uniformly legal if sometimes as oppressive, were open to the class of men who by this time had been recognised as forming a kind of second order in the State. The citizens who had been proved by the returns at the census to have a certain amount of realisable capital at their disposal—a class of citizens that ranged from the possessors of a moderate patrimony, such as society might employ as a line of demarcation between an upper and a lower middle class, to the controllers of the most gigantic fortunes—had been welded into a body possessing considerable social and political solidarity. This solidarity had been attained chiefly through the community of interest derived from the similar methods of pecuniary investment which they employed, but also through the circumstance (slight in itself but significant in an ancient society which ever tended to fall into grades) that all the members of this class could describe themselves by the courtesy title of "Knights"—a description justified by the right which they possessed of serving on their own horses with the Roman cavalry instead of sharing the foot-service of the legionary. A common designation was not inappropriate to men who were in a certain sense public servants and formed in a very real sense a branch of the administration. The knight might have many avocations; he might be a money-lender, a banker, a large importer; but he was pre-

[1] Cic. *in Verr.* v. 48. 126 (70 B.C.) Patimur . . . multos jam annos et silemus cum videamus ad paucos homines omnes omnium nationum pecunias pervenisse.

eminently a farmer of the taxes. His position in the former cases was simply that of an individual, who might or might not be temporarily associated with others; his position in the latter case meant that he was a member of a powerful and permanent corporation, one which served a government from which it might wring great profits or at whose hands it might suffer heavy loss—a government to be helped in its distress, to be fought when its demands were overbearing, to be encouraged when its measures seemed progressive, to be hindered when they seemed reactionary from a commercial point of view. A group of individuals or private firms could never have attained the consistency of organisation, or maintained the uniformity of policy, which was displayed by these societies of revenue-collectors; even a company must have a long life before it can attain strength and confidence sufficient to act in a spirited manner in opposition to the State; and it seems certain that these societies were wholly exempted from the paralysing principle which the Roman law applied to partnership—a principle which dictated that every partnership should be dissolved by the death or retirement of one of the associates.[1] The State, which possessed no civil service of its own worthy of the name, had taken pains to secure permanent organisations of private share-holders which should satisfy its needs, to give them something of an official character, and to secure to each one of them as a result of its permanence an individual strength which, in spite of the theory that the taxes and the public works were put up to auction, may have secured to some of these companies a practical monopoly of a definite sphere of operations. But a company, at Rome as elsewhere, is powerful in proportion to the breadth of its basis. A small ring of capitalists may tyrannise over society as long as they confine themselves to securing a monopoly over private enterprises, and as long as the law permits them to exercise this autocratic power without control; but such a ring is far less capable of meeting the arbitrary dictation of an aristocratic body of land-holders, such as the senate, or of encountering the resentful opposition of a nominally all-powerful body of consumers, such as the Comitia, than a corporation which has struck its roots deeply in society by the wide distribution of its shares. We know from the positive assurance of a skilled observer of Roman life that the

[1] For the principle see Gaius iii. 151-153.

number of citizens who had an interest in these companies was particularly large.[1] This observer emphasises the fact in order to illustrate the dependence of a large section of society on the will of the senate, which possessed the power of controlling the terms of the agreements both for the public works which it placed in the hands of contractors and for the sources of production which it put out to lease;[2] but it is equally obvious that the large size of the number of shareholders must have exercised a profoundly modifying influence on the arbitrary authority of a body such as the senate which governed chiefly through deference to public opinion; and we know that, in the last resort, an appeal could be made to the sovereign assembly, if a magistrate could be found bold enough to carry to that quarter a proposal that had been discountenanced by the senate.[3] In such crises the strength of the companies depended mainly on the number of individual interests that were at stake; the shareholder is more likely to appear at such gatherings than the man who is not profoundly affected by the issue, and it is very seldom that the average consumer has insight enough to see, or energy enough to resist, the sufferings and inconveniences which spring from the machinations of capital. It may have been possible at times to pack a legislative assembly with men who had some financial interest, however slight, in a dispute arising from a contract calling for decision; and the time was soon to come when such questions of detail would give place to far larger questions of policy, when the issues springing from a line of foreign activity which had been taken by the government might be debated in the cold and glittering light of the golden stakes the loss or gain of which depended upon the policy pursued. Nor could it have been easy even for the experienced eye to see from the survey of such a gathering that it represented the army of capital. Research has

[1] Polybius (vi. 17), after speaking of various kinds of property belonging to the state, adds *πάντα χειρίζεσθαι συμβαίνει τὰ προειρημένα διὰ τοῦ πλήθους, καὶ σχεδὸν ὡς ἔπος εἰπεῖν πάντας ἐνδεδέσθαι ταῖς ὠναῖς καὶ ταῖς ἐργασίαις ταῖς ἐκ τούτων.*

[2] Polyb. vi. 17. The senate can *συμπτώματος γενομένου κουφίσαι καὶ τὸ παράπαν ἀδυνάτου τινὸς συμβάντος ἀπολῦσαι τῆς ἐργωνίας.* Thus the senate invalidated the *locationes* of the censors of 184 B.C. (Liv. xxxix. 44 Locationes cum senatus precibus et lacrimis publicanorum victus induci et de integro locari jussisset.)

[3] In 169 B.C. it was the people that released from an oppressive regulation (Liv. xliii. 16). In this case a tribune answered the censor's intimation, that none of the former state-contractors should appear at the auction, by promulgating the resolution Quae publica vectigalia, ultro tributa C. Claudius et Ti. Sempronius locassent, ea rata locatio ne esset. Ab integro locarentur, et ut omnibus redimendi et conducendi promiscue jus esset.

rendered it probable that the companies of the time were composed of an outer as well as of an inner circle; that the mass of shareholders differed from those who were the promoters, managers and active agents in the concern, that the liability of the former at least was limited and that their shares, whether small or great, were transmissible and subject to the fluctuations of the market.[1] But, even if we do not believe that this distinction between *socii* and *participes* was legally elaborated, yet there were probably means by which members of the outside public could enter into business relations with the recognised partners in one of these concerns to share its profits and its losses.[2] The freedman, who had invested his small savings in the business of an enterprising patron, would attach the same mercantile value to his own vote in the assembly as would be given to his suffrage in the senate by some noble peer, who had bartered the independence of his judgment for the acquisition of more rapid profits than could be drawn from land.

The farmers of the revenue fell into three broad classes. First there were the contractors for the creation, maintenance and repair of the public works possessed or projected by the State, such as roads, aqueducts, bridges, temples and other public buildings. Gigantic profits were not possible in such an enterprise, if the censors and their advisers acted with knowledge, impartiality and discretion; for the lowest possible tender was obtained for such contracts and the results might be repudiated if inspection proved them to be unsatisfactory. Secondly there were the companies which leased sources of production that were owned by the State such as fisheries, salt-works, mines and forest land. In some particular cases even arable land had been dealt with in this way,

[1] Deloume *op. cit.* pp. 119 ff. Polybius (vi. 17) has been quoted as an authority for the distinction between these two classes. He says *οἱ μὲν γὰρ ἀγοράζουσι παρὰ τῶν τιμητῶν αὐτοὶ τὰς ἐκδόσεις, οἱ δὲ κοινωνοῦσι τούτοις, οἱ δ' ἐγγυῶνται τοὺς ἠγορακότας, οἱ δὲ τὰς οὐσίας διδόασι περὶ τούτων εἰς τὸ δημόσιον.* The first three classes are the *mancipes*, *socii* and *praedes*. In the fourth the shareholders (*participes* or perhaps *adfines*, *cf.* Liv. xliii. 16) are found by Deloume (p. 120); but the identification is very uncertain. The words may denote either real as opposed to formal security or the final payment of the *vectigal* into the treasury. A better evidence for the distinction between *socii* and shareholders is found in the Pseudo-Asconius (in Cic. *in Verr.* p. 197 Or.) Aliud enim socius, aliud particeps qui certam habet partem et non *in*divise agit ut socius. The *magnas partes* (Cic. *pro Rab. Post.* 2. 4) and the *particulam* (Val. Max. vi. 9. 7) of a *publicum*, need only denote large or small shares held by the *socii*. *Dare partes* (Cic. *l.c.*) is to "allot shares," but not necessarily to outside members. Apart from the testimony of the Pseudo-Asconius and the mention of *adfines* in Livy the evidence for the ordinary shareholder is slight but by no means fatal to his existence.

[2] *E.g.* by loan to a *socius* at a rate of interest dependent on his returns, perhaps with a *pactum de non petendo* in certain contingencies.

and the confiscated territories of Capua and Corinth were let on long leases to *publicani*. Thirdly there were the societies, which did not themselves acquire leases but acted as true intermediaries between the State and individuals[1] who paid it revenue whether as occupants of its territory, or as making use of sites which it claimed to control, or as owing dues which had been prescribed by agreement or by law. These classes of debtors to the State with whom the middlemen came into contact may be illustrated respectively by the occupants of the domain land of Italy, the ship-masters who touched at ports, and the provincials such as those of Sicily or Sardinia who were burdened with the payment of a tithe of the produce of their lands.[2] If we consider separately the characteristics of the three classes of state-farmers, we find that the first and the second are both direct employers of labour, the third reaping only indirect profits from the production controlled by others. It was in this respect, as employers of labour, that the societies of the time were free from the anxieties and restrictions that beset the modern employment of capital. Except in the rare case where the contractors had leased arable land and sublet it to its original occupants,—the treatment which seems to have been adopted for the Campanian territory[3]—there can be no question that the work which they controlled was done mainly by the hands of slaves. They were therefore exempt from the annoyance and expense which might be caused by the competition and the organised resistance of free labour. The slaves employed in many of these industries must have been highly skilled; for many of these spheres of wealth which the State had delegated to contractors required peculiar industrial appliances and unusual knowledge in the foremen and leading artificers. The weakness of slave-labour,—its lack of intelligence and spirit—could not have been so keenly felt as it was on the great agricultural estates, which offered employment chiefly for the unskilled; and the difficulties that might arise from the lack

[1] These are, in strict legal language, the true *publicani;* the lessees of state property are *publicanorum loco* (Dig. 39. 4. 12 and 13).

[2] Later legal theory assimilated the third with the first class. Gaius says (ii. 7) In eo (provinciali) solo dominium populi Romani est vel Caesaris, nos autem possessionem tantum vel usumfructum habere videmur. But the theory is not ancient—perhaps not older than the Gracchan period. See Greenidge *Roman Public Life* p. 320. From a broad standpoint the first and second classes may be assimilated, since the payment of harbour dues (*portoria*) is based on the idea of the use of public ground by a private occupant.

[3] Cic. *de Leg. Agr.* ii. 31. 84.

of strength or interest, from the possession of hands that were either feeble or inert, were probably overcome in the same uncompromising manner in the workshop of the contractor and on the domains of the landed gentry. The maxim that an aged slave should be sold could not have been peculiar to the dabbler in agriculture, and the *ergastulum* with its chained gangs must have been as familiar to the manufacturer as to the landed proprietor.[1] As to the promoters and the shareholders of these companies, it could not be expected that they should trace in imagination, or tremble as they traced, the heartless, perhaps inhuman, means by which the regular returns on their capital were secured.[2] Nor is it probable that the government of this period took any great care to supervise the conditions of the work or the lot of the workman. The partner desired quick and great returns, the State large rents and small tenders. The remorseless drain on human energy, the waste of human life, and the practical abeyance of free labour which was flooding the towns with idlers, were ideas which, if they ever arose, were probably kept in the background by a government which was generally in financial difficulties, and by individuals animated by all the fierce commercial competition of the age.

The desire of contractors and lessees for larger profits naturally took the form of an eagerness to extend their sphere of operations. Every advance in the Roman sphere of military occupation implied the making of new roads, bridges and aqueducts; every extension of this sphere was likely to be followed by the confiscation of certain territories, which the State would declare to be public domains and hand over to the company that would guarantee the payment of the largest revenue. But the sordid imperialism which animated the contractor and lessee must have been as nothing to that which fed the dreams of the true state-middleman, the individual who intervened between the taxpayer and the State, the producer and the consumer. Conquest would mean fresh lines of coast and frontier, on which would be set the toll-houses of the collectors with their local directors and their active "families" of freedmen and slaves. It might even mean that a more prolific source of revenue would be handed over to the care of the publican. The spectacle of the method in which the land-tax was assessed and collected in Sicily

[1] Thédenat in Daremberg-Saglio *Dict. des Antiq. s.v.* Ergastulum.

[2] Compare Cunningham *Western Civilisation in its Economic Aspects* vol. i. p. 162.

and Sardinia may have already inspired the hope that the next instance of provincial organisation might see greater justice done to the capitalists of Rome. When Sicily had been brought under Roman sway, the aloofness of the government from financial interests, as well as its innate conservatism, justified by the success of Italian organisation, which dictated the view that local institutions should not be lightly changed, had led it to accept the methods for the taxation of land which it found prevalent in the island at the time of its annexation. The methods implied assessment by local officials and collection by local companies or states.[1] It is true that neither consequence entirely excluded the enterprise of the Roman capitalists; they had crossed the Straits of Messina on many a private enterprise and had settled in such large numbers in the business centres of the island that the charter given to the Sicilian cities after the first servile war made detailed provision for the settlement of suits between Romans and natives.[2] It was not to be expected that they should refrain from joining in, or competing with, the local companies who bid for the Sicilian tithes, nor was such association or competition forbidden by the law. But the scattered groups of capitalists who came into contact with the Sicilian yeomen did not possess the official character and the official influence of the great companies of Italy. No association, however powerful, could boast a monopoly of the main source of revenue in the island. But what they had done was an index of what they might do, if another opportunity and a more complaisant government could be found. Any individual or any party which could promise the knights the unquestioned control of the revenues of a new province would be sure of their heartiest sympathy and support.

And it would be worth the while of any individual or party which ventured to frame a programme traversing the lines of political orthodoxy, to bid for the co-operation of this class. For recent history had shown that the thorough organisation of capital, encouraged by the State to rid itself of a tiresome burden in times of peace and to secure itself a support in times of need, might become, as it pleased, a bulwark or a menace to the government which had created it. The useful monster had begun to develop a self-consciousness of his own. He had his amiable, even his patriotic

[1] Cic. *in Verr.* ii. 55. 137; iii. 33. 77; ii. 13. 32; 26. 63.
[2] *Ibid.* ii. 13. 32.

moments; but his activity might be accompanied by the grim demand for a price which his nominal master was not prepared to pay. The darkest and the brightest aspects of the commercial spirit had been in turn exhibited during the Second Punic War. On the one hand we find an organised band of publicans attempting to break up an assembly before which a fraudulent contractor and wrecker was to be tried;[1] on the other, we find them meeting the shock of Cannae with the offer of a large loan to the beggared treasury, lent without guarantee and on the bare word of a ruined government that it should be met when there was money to meet it.[2] Other companies came forward to put their hands to the public works, even the most necessary of which had been suspended by the misery of the war, and told the bankrupt State that they would ask for their payment when the struggle had completely closed.[3] A noble spectacle! and if the positions of employer and employed had been reversed only in such crises and in such a way, no harm could come of the memory either of the obligation or the service. But the strength shown by this beneficence sometimes exhibited itself in unpleasant forms and led to unpleasant consequences. The censorships of Cato and of Gracchus had been fierce struggles of conservative officialdom against the growing influence and (as these magistrates held) the swelling insolence of the public companies; and in both cases the associations had sought and found assistance, either from a sympathetic party within the senate, or from the people. Cato's regulations had been reversed and their vigorous author had been threatened with a tribunician prosecution before the Comitia;[4] while Gracchus and his colleague had actually been impeached before a popular court.[5] The reckless employment of servile labour by the companies that farmed the property of the State had already proved a danger to public security. The society which had purchased from the censors the right of gathering pitch from the Bruttian forest of Sila had filled the neighbourhood with bands of fierce and uncontrolled dependants, chiefly slaves, but partly men of free birth who may have been drawn from the desperate Bruttians whom Rome had driven from their homes. The consequences were deeds of violence and murder, which called for the intervention of the senate, and the consuls had been appointed

[1] Liv. xxv. 3.
[2] Liv. xxiii. 49.
[3] Liv. xxiv. 18; Val. Max. v. 6. 8.
[4] Plut. *Cato Maj.* 19.
[5] Liv. xliii. 16.

as a special commission to inquire into the outrages.[1] Nor were complaints limited to Italy; provincial abuses had already called for drastic remedies. A proof that this was the case is to be found in the striking fact that on the renewed settlement of Macedonia in 167 it was actually decreed that the working of the mines in that country, at least on the extended scale which would have required a system of contract, should be given up. It was considered dangerous to entrust it to native companies, and as to the Roman —their mere presence in the country would mean the surrender of all guarantees of the rule of public law or of the enjoyment of liberty by the provincials.[2] The State still preferred the embarrassments of poverty to those of overbearing wealth; its choice proved its weakness; but even the element of strength displayed in the surrender might soon be missed, if capital obtained a wider influence and a more definite political recognition. As things were, these organisations of capital were but just becoming conscious of their strength and had by no means reached even the prime of their vigour. The opening up of the riches of the East were required to develop the gigantic manhood which should dwarf the petty figure of the agricultural wealth of Italy.

Had the state-contractors stood alone, or had not they engaged in varied enterprises for which their official character offered a favourable point of vantage, the numbers and influence of the individuals who had embarked their capital in commercial enterprise would have been far smaller than they actually were. But, in addition to the publican, we must take account of the business man (*negotiator*) who lent money on interest or exercised the profession of a banker. Such men had pecuniary interests which knew no geographical limits, and in all broad questions of policy were likely to side with the state-contractor.[3] The money-lender

[1] Cic. *Brut.* 22. 85 Cum in silva Sila facta caedes esset notique homines interfecti insimulareturque familia, partim etiam liberi, societatis ejus, quae picarias de P. Cornelio, L. Mummio censoribus redemisset, decrevisse senatum ut de ea re cognoscerent et statuerent consules. For the value of the pine-woods of Sila see Strabo vi. 1. 9.

[2] Liv. xlv. 18 Metalli quoque Macedonici, quod ingens vectigal erat, locationesque praediorum rusticorum tolli placebat. Nam neque sine publicano exerceri posse, et, ubi publicanus esset, ibi aut jus publicum vanum aut libertatem sociis nullam esse. The *praedia rustica* were probably public domains, that might have formed part of the crown lands of the Macedonian Kings and would now, in the natural course of events, have been leased to *publicani*.

[3] It might happen that the interest of the *negotiator* was opposed to that of the *publicanus*. The former, for instance, might wish *portoria* to be lessened, the latter to be increased (Cic. *ad Att.* ii. 16. 4). But such a conflict was unusual.

(*fenerator*) represented one of the earliest, most familiar and most courted forms of Roman enterprise—one whose intrinsic attractions for the grasping Roman mind had resisted every effort of the legislature by engaging in its support the wealthiest landowner as well as the smallest usurer. It is true that a taint clung to the trade—a taint which was not merely a product of the mistaken economic conception of the nature of the profits made by the lender, but was the more immediate outcome of social misery and the fulminations of the legislature. Cato points to the fact that the Roman law had stamped the usurer as a greater curse to society than the common thief, and makes the dishonesty of loans on interest a sufficient ground for declining a form of investment that was at once safe and profitable.[1] Usury, he had also maintained, was a form of homicide.[2] But to the majority of minds this feeling of dishonour had always been purely external and superficial. The proceedings were not repugnant to the finer sense if they were not made the object of a life-long profession and not blatantly exhibited to the eyes of the public. A taint clung to the money-lender who sat in an office in the Forum, and handed his loans or received his interest over the counter;[3] it was not felt by the capitalist who stood behind this small dealer, by the nobleman whose agent lent seed-corn to the neighbouring yeomen, by the investor in the state-contracts who perhaps hardly realised that his profits represented but an indirect form of usury. But, whatever restrictions public opinion may have imposed on the money-lender as a dealer in Rome and with Romans, such restrictions were not likely to be felt by the man who had the capital and the enterprise to carry his financial operations beyond the sea. Not only was he dealing with provincials or foreigners, but he was dealing on a scale so grand that the magnitude of the business almost concealed its shame. Cities and kings were now to be the recipients of loans and, if the lender occupied a political position that seemed inconsistent with the profession of a usurer, his personality might be successfully

[1] Cato *R. R.* pr. 1 Est interdum praestare mercaturis rem quaerere, nisi tam periculosum sit, et item fenerari, si tam honestum sit. Majores nostri sic habuerunt et ita in legibus posiverunt, furem dupli condemnari, feneratorem quadrupli. Quanto pejorem civem existimarint feneratorem quam furem, hinc licet existimare. *Cf.* Cic. *de Off.* i. 42. 150 Improbantur ii quaestus, qui in odia hominum incurrunt, ut portitorum, ut feneratorum.

[2] Cic. *de Off.* ii. 25. 89 Cum ille . . . dixisset "Quid fenerari?" tum Cato "Quid hominem," inquit, "occidere?"

[3] For such professional money-lenders see Plaut. *Most.* iii. 1. 1 ff.; *Curc.* iv. 1. 19.

concealed under the name of some local agent, who was adequately rewarded for the obloquy which he incurred in the eyes of the native populations, and the embarrassing conflicts with the Roman government which were sometimes entailed by an excess of zeal. Cato had swept both principals and agents out of his province of Sardinia;[1] but he was a man who courted hostility, and he lived before the age when the enmity of capital would prove the certain ruin of the governor and a source of probable danger to the senate. In the operations of the money-lender we find the most universal link between the Forum and the provinces. There was no country so poor that it might not be successfully exploited, and indeed exploitation was often conditioned by simplicity of character, lack of familiarity with the developed systems of finance, and the lack of thrift which amongst peoples of low culture is the source of their constant need. The employment of capital for this purpose was always far in advance of the limits of Roman dominion. A protectorate might be in the grasp of a group of private individuals long before it was absorbed into the empire, the extension of the frontiers was conditioned by considerations of pecuniary, not of political safety, and the government might at any moment be forced into a war to protect the interests of capitalists whom, in its collective capacity as a government, it regarded as the greatest foes of its dominion.

A more beneficent employment of capital was illustrated by the profession of banking which, like most of the arts which exhibit the highest refinement of the practical intellect, had been given to the Romans by the Greeks.[2] It had penetrated from Magna Graecia to Latium and from Latium to Rome, and had been fully established in the city by the time of the Second Punic War.[3] The strangers, who had introduced an art which so greatly facilitated the conduct of business transactions, had been welcomed by the government, and were encouraged to ply their calling in the shops rented from the State on the north and south sides of the Forum. These *argentarii* satisfied the two needs of the exchange of foreign money, and of advances in cash on easier terms than could be gained

[1] Liv. xxxii. 27.

[2] On the history and functions of the bankers see Voigt *Ueber die Bankiers, die Buchführung und die Litteralobligation der Römer* (Abh. d. Königl. Sächs. Gesell. d. Wissench.; Phil. hist. Classe, Bd. x); Marquardt *Staatsverw.* ii. pp. 64 ff.; Deloume *Les manieurs d'argent à Rome*, pp. 146 ff.

[3] Plin. *H. N.* xxi. 3. 8.

from the professional or secret usurer, to citizens of every grade[1] who did not wish, or found it difficult, to turn their real property into gold. Similar functions were at a somewhat later period usurped by the money-testers (*nummularii*), who perhaps entered Rome shortly after the issue of the first native silver coinage, and competed with the earlier-established bankers in most of the branches of their trade.[2] Ultimately there was no department of business connected with the transference and circulation of money which the joint profession did not embrace. Its representatives were concerned with the purchase and sale of coin, and the equalisation of home with foreign rates of exchange; they lent on credit, gave security for others' loans, and received money on deposit; they acted as intermediaries between creditors and debtors in the most distant places and gave their travelling customers circular notes on associated houses in foreign lands; they were equally ready to dissipate by auction an estate that had become the property of a congress of creditors or a number of legatees. Their carefully kept books improved even the methodical habits of the Romans in the matter of business entries, and introduced the form of "contract by ledger" (*litterarum obligatio*), which greatly facilitated business operations on an extended scale by substituting the written record of obligation for other bonds more difficult to conclude and more easy to evade.

The business life of Rome was in every way worthy of her position as an imperial city, and her business centre was becoming the greatest exchange of the commercial world of the day. The forum still drew its largest crowds to listen to the voice of the lawyer or the orator; but these attractions were occasional and the constant throng that any day might witness was drawn thither by the enticements supplied by the spirit of adventure, the thirst for news and the strain of business life. The comic poet has drawn for us a picture of the shifting crowd and its chief elements, good and bad, honest and dishonest. He has shown us the man who mingles pleasure with his business, lingering under the Basilica in extremely doubtful company; there too is a certain class of business men

[1] *Cf.* Cic. *de Off.* iii. 14. 58 Pythius, qui esset ut argentarius apud omnes ordines gratiosus. . . .

[2] Yet the two never became thoroughly assimilated. The *argentarius*, for instance, was not an official tester of money, and the *nummularii* appear not to have performed certain functions usual to the banker, *e.g.* sales by auction. See Voigt *op. cit.* pp. 521. 522.

giving or accepting verbal bonds. In the lower part of the Forum stroll the lords of the exchange, rich and of high repute; under the old shops on the north sit the bankers, giving and receiving loans on interest.[1] The Forum has become in common language the symbol of all the ups and downs of business life,[2] and the moralist of later times could refer all students, who wish to master the lore of the quest and investment of money, to the excellent men who have their station by the temple of Janus.[3] The aspect of the market place had altered greatly to meet the growing needs. Great Basilicae—sheltered promenades which probably derived their names from the Royal Courts of the Hellenic East—had lately been erected. Two of the earliest, the Porcian and Sempronian, had been raised on the site of business premises which had been bought up for the purpose,[4] and were meant to serve the purposes of a market and an exchange.[5] Their sheltering roofs were soon employed to accommodate the courts of justice, but it was the business not the legal life of Rome that called these grand edifices into existence.

The financial activity which centred in the Forum was a consequence, not merely of the contract-system encouraged by the State and of the business of the banker and the money-lender, but of the great foreign trade which supplied the wants and luxuries of Italy and Rome. This was an import trade concerned partly with the supply of corn for a nation that could no longer feed itself, partly with the supply of luxuries from the East and of more necessary products, including instruments of production, from the West. The Eastern trade touched the Euxine Sea at Dioscurias,

[1] Plaut. *Curc.* iv. 1. 6 ff.

Commonstrabo, quo in quemque hominem facile inveniatis loco.
. . . . . .
Ditis damnosos maritos sub basilica quaerito.
Ibidem erunt scorta exoleta, quique stipulari solent.
. . . . . .
In foro infumo boni homines, atque dites ambulant.
. . . . . .
Sub veteribus, ibi sunt qui dant quique accipiunt faenore.

[2] To be bankrupt is *foro mergi* (Plaut. *Ep.* i. 2. 16), *a foro fugere, abire* (Plaut. *Pers.* iii. 3. 31 and 38).

[3] Cic. *de Off.* ii. 24. 87 Toto hoc de genere, de quaerenda, de collocanda pecunia, vellem etiam de utenda, commodius a quibusdam optumis viris ad Janum medium sedentibus . . . disputatur. For *Janus medius* and the question whether it means an arch or a street see Richter *Topogr. der Stadt Rom.* pp. 106. 107.

[4] Liv. xxxix. 44; xliv. 16. The Porcian was followed by the Fulvian Basilica (Liv. xl. 51). The dates of the three were 184, 179, 169 B.C. respectively.

[5] Deloume *op. cit.* pp. 320 ff.; Guadet in Daremberg-Saglio *Dict. des Antiq. s.v.* Basilicae.

Asia Minor chiefly at Ephesus and Apamea, and Egypt at Alexandria. It brought Pontic fish, Hellenic wines, the spices and medicaments of Asia and of the Eastern coast of Africa, and countless other articles, chiefly of the type which creates the need to which it ministers. More robust products were supplied by the West through the trade-routes which came down to Gades, Genua and Aquileia. Hither were brought slaves, cattle, horses and dogs; linen, canvas and wool; timber for ships and houses, and raw metal for the manufacture of implements and works of art. Neither in East nor West was the product brought by the producer to the consumer. In accordance with the more recent tendencies of Hellenistic trade, great emporia had grown up in which the goods were stored, until they were exported by the local dealers or sought by the wholesale merchant from an Italian port. As the Tyrrhenian Sea became the radius of the trade of the world, Puteoli became the greatest staple to which this commerce centred; thence the goods which were destined for Rome were conveyed to Ostia by water or by land, and taken by ships which drew no depth of water up the Tiber to the city.[1] But it must not be supposed that this trade was first controlled by Romans and Italians when it touched the shores of Italy. Groups of citizens and allies were to be found in the great staples of the world, receiving the products as they were brought down from the interior and supplying the shipping by which they were transferred to Rome.[2] They were not manufacturers, but intermediaries who reaped a larger profit from the carrying trade than could be gained by any form of production in their native land. The Roman and Italian trader was to be inferior only to the money-lender as a stimulus and a stumbling-block to the imperial government; he was, like the latter, to be a cause of annexation and a fire-brand of war, and serves as an almost equal illustration of the truth that a government which does not control the operations of capital is likely to become their instrument.[3]

[1] Large transport ships could themselves come to Rome if their build was suited to river navigation. In 167 B.C. Aemilius Paulus astonished the city with the size of a ship (once belonging to the Macedonian King) on which he arrived (Liv. xlv. 35). On the whole question of this foreign trade see Voigt in Iwan-Müller's *Handbuch* iv. 2, pp. 373-378.

[2] Voigt *op. cit.* p. 377 n. 99.

[3] Compare Cunningham *Western Civilisation in its Economic Aspects* vol. i. p. 165, "It is only under very special conditions, including the existence of a strong government to exercise a constant control, that free play for the formation of

If we descend from the aristocracy of trade to its poorer representatives, we find that time had wrought great changes in the lot of the smaller manufacturer and artisan. It is true that the old trade-gilds of Rome, which tradition carried back to the days of Numa, still maintained their existence. The goldsmiths, coppersmiths, builders, dyers, leather-workers, tanners and potters[1] still held their regular meetings and celebrated their regular games. But it is questionable whether even at this period their collegiate life was not rather concerned with ceremonial than with business, whether they did not gather more frequently to discuss the prospects of their social and religious functions than to consider the rules and methods of their trades. We shall soon see these gilds of artificers a great political power in the State—one that often alarmed the government and sometimes paralysed its control of the streets of Rome. But their political activity was connected with ceremonial rather than with trade; it was as religious associations that they supported the demagogue of the moment and disturbed the peace of the city. They made war against any aristocratic abuse that was dangled for the moment before their eyes; but they undertook no consistent campaign against the dominance of capital. Their activity was that of the radical caucus, not of the trade-union. But, if even their industrial character had been fully maintained and trade interests had occupied more of their attention than street processions and political agitation, they could never have posed as the representatives of the interests of the free-born sons of Rome. The class of freedmen was freely admitted to their ranks, and the freedman was from an economic point of view the greatest enemy of the pure-blooded Italian. We shall also see that the freedman was usually not an independent agent in the conduct of the trade which he professed. He owed duties to his patron which limited his industrial activity and rendered a whole-hearted co-operation with his brother-workers impossible.

It is questionable whether any gild organisation could have stood the shock of the immense development of industrial activity

associations of capitalists bent on securing profit, is anything but a public danger. The landed interest in England has hitherto been strong enough to bring legislative control to bear on the moneyed men from time to time. . . . The problem of leaving sufficient liberty for the formation of capital and for enterprise in the use of it, without allowing it licence to exhaust the national resources, has not been solved."

[1] Plut. *Numa* 17. On the history of these gilds see Waltzing *Corporations professionelles chez les Romains* pp. 61-78.

of which the more fortunate classes at Rome were now reaping the fruits. The trades represented by Numa's colleges would at best have formed a mere framework for a maze of instruments which formed the complex mechanism needed to satisfy the voracious wants of the new society. The gold-smithery of early times was now complicated by the arts of chasing and engraving on precious stones; the primitive builder, if he were still to ply his trade with profit, must associate it with the skill of the men who made the stuccoed ceilings, the mosaic pavements, the painted walls. The leather-worker must have learnt to make many a kind of fashionable shoe, and the dyer to work in violet, scarlet or saffron, in any shade or colour to which fashion had given a temporary vogue. Tailoring had become a fine art, and the movable decorations of houses demanded a host of skilled workmen, each of whom was devoted to the speciality which he professed. It would seem as though the very weaknesses of society might have benefited the lower middle class, and the siftings of the harvest given by the spoils of empire might have more than supplied the needs of a parasitic proletariate. It is an unquestioned fact that the growing luxury of the times did benefit trade with that doubtful benefit which accompanies the diversion of capital from purposes of permanent utility to objects of aesthetic admiration or temporary display; but it is an equally unquestioned fact that this unhealthy nutriment did not strengthen to any appreciable extent such of the lower classes as could boast pure Roman blood. The military conscription, to which the more prosperous of these classes were exposed, was inimical to the constant pursuit of that technical skill which alone could enable its possessor to hold the market against freer competitors. Such of the freedmen and the slaves as were trained to these pursuits—men who would not have been so trained had they not possessed higher artistic perception and greater deftness in execution than their fellows—were wholly freed from the military burden which absorbed much of the leisure, and blunted much of the skill, possessed by their free-born rivals. The competition of slaves must have been still more cruel in the country districts and near the smaller country towns than in the capital itself. At Rome the limitations of space must have hindered the development of home-industries in the houses of the nobles, and, although it is probable that much that was manufactured by the slaves of the country estate was regularly supplied

to the urban villa, yet for the purchase of articles of immediate use or of goods which showed the highest qualities of workmanship the aristocratic proprietor must have been dependent on the competition of the Roman market. But the rustic villa might be perfectly self-supporting, and the village artificer must have looked in vain for orders from the spacious mansion, which, once a dwelling-house or farm, had become a factory as well. Both in town and country the practice of manumission was paralysing the energies of the free-born man who attempted to follow a profitable profession. The frequency of the gift of liberty to slaves is one of the brightest aspects of the system of servitude as practised by the Romans; but its very beneficence is an illustration of the aristocrat's contempt for the proletariate; for, where the ideal of citizenship is high, manumission—at least of such a kind as shall give political rights, or any trading privileges, equivalent to those of the free citizen—is infrequent. In the Rome of this period, however, the liberation of a slave showed something more than a mere negative neglect of the interests of the citizen. The gift of freedom was often granted by the master in an interested, if not in a wholly selfish, spirit. He was freed from the duty of supporting his slave while he retained his services as a freedman. The performance of these services was, it is true, not a legal condition of manumission; but it was the result of the agreement between master and slave on which the latter had attained his freedom. The nobleman who had granted liberty to his son's tutor, his own doctor or his barber, might still bargain to be healed, shaved or have his children instructed free of expense. The bargain was just in so far as the master was losing services for which he had originally paid, and juster still when the freedman set up business on the *peculium* which his master had allowed him to acquire during the days of his servitude. But the contracting parties were on an unequal footing, and the burden enforced by the manumittor was at times so intolerable that towards the close of the second century the praetor was forced to intervene and set limits to the personal service which might be expected from the gratitude of the liberated slave.[1] The performance of such gratuitous services necessarily

[1] The praetor was Rutilius (Ulpian in Dig. 38. 2. 1. 1), perhaps P. Rutilius Rufus, the consul of 105 B.C. (Mommsen *Staatsr.* iii. p. 433). See the last chapter of this volume. For the principle on which such *operae* were exacted from freedmen see Mommsen *l.c.*

diminished the demand for the labour of the free man who attempted to practise the pursuit of an art which required skill and was dependent for its returns on the custom of the wealthier classes; and even such needs as could not be met by the gratuitous services of freedmen or the purchased labour of slaves, were often supplied, not by the labour of the free-born Roman, but by that of the immigrant *peregrinus*. The foreigner naturally reproduced the arts of his own country in a form more perfect than could be acquired by the Roman or Italian, and as Rome had acquired foreign wants it was inevitable that they should be mainly supplied by foreign hands. We cannot say that most of the new developments in trade and manufacture had slipped from the hands of the free citizens; it would be truer to maintain that they had never been grasped by them at all. And, worse than this, we must admit that there was little effort to attain them. Both the cause and the consequence of the monopoly of trade and manufacture of a petty kind by freedmen and foreigners is to be found in the contempt felt by the free-born Roman for the "sordid and illiberal sources of livelihood".[1] This prejudice was reflected in public law, for any one who exercised a trade or profession was debarred from office at Rome.[2] As the magistracy had become the monopoly of a class, the prejudice might have been little more than one of the working principles of an aristocratic government, had not the arts which supplied the amenities of life actually tended to drift into the hands of the non-citizen or the man of defective citizenship. The most abject Roman could in his misery console himself with the thought that the hands, which should only touch the plough and the sword, had never been stained by trade. His ideal was that of the nobleman in his palace. It differed in degree but not in kind. It centred round the Forum, the battlefield and the farm.

For even the most lofty aristocrat would have exempted agriculture from the ban of labour;[3] and, if the man of free birth could still have toiled productively on his holding, his contempt for the rabble which supplied the wants of his richer fellow-citizens in the towns would have been justified on material, if not on moral,

[1] Inliberales ac sordidi quaestus (Cic. *de Off.* i. 42. 150).
[2] Gell. vii. (vi.) 9; Liv. ix. 46; Mommsen *Staatsr.* i. p. 497.
[3] *Cf.* Cic. *de Off.* i. 42. 151 Omnium autem rerum, ex quibus aliquid adquiritur, nihil est agricultura melius, nihil uberius, nihil dulcius, nihil homine libero dignius.

grounds. He would have held the real sources of wealth which had made the empire possible and still maintained the actual rulers of that empire. Italian agriculture was still the basis of the brilliant life of Rome. Had it not been so, the epoch of revolution could not have been ushered in by an agrarian law. Had the interest in the land been small, no fierce attack would have been made and no encroachment stoutly resisted. We are at the commencement of the epoch of the dominance of trade, but we have not quitted the epoch of the supremacy of the landed interest.

The vital question connected with agriculture was not that of its failure or success, but that of the individuals who did the work and shared the profits. The labourer, the soil, the market stand in such close relations to one another that it is possible for older types of cultivation and tenure to be a failure while newer types are a brilliant success. But an economic success may be a social failure. Thus it was with the greater part of the Italian soil of the day which had passed into Roman hands. Efficiency was secured by accumulation and the smaller holdings were falling into decay.

A problem so complex as that of a change in tenure and in the type of productive activity employed on the soil is not likely to yield to the analysis of any modern historian who deals with the events of the ancient world. He is often uncertain whether he is describing causes or symptoms, whether the primary evil was purely economic or mainly social, whether diminished activity was the result of poverty and decreasing numbers, or whether pauperism and diminution of population were the effects of a weakened nerve for labour and of a standard of comfort so feverishly high that it declined the hard life of the fields and induced its possessors to refuse to propagate their kind. But social and economic evils react so constantly on one another that the question of the priority of the one to the other is not always of primary importance. A picture has been conjured up by the slight sketches of ancient historians and the more prolonged laments of ancient writers on agriculture, which gives us broad outlines that we must accept as true, although we may refuse to join in the belief that these outlines represent an unmixed and almost incurable evil. These writers even attempt to assign causes, which convince by their probability, although there is often a suspicion that the ultimate and elusive truth has not been grasped.

The two great symptoms which immediately impress our imagination are a decline, real or apparent, in the numbers of the free population of Rome, and the introduction of new methods of agriculture which entailed a diminution in the class of freehold proprietors who had held estates of small or moderate size. The evidence for an actual decline of the population must be gathered exclusively from the Roman census lists.[1] At first sight these seem to tell a startling tale. At the date of the outbreak of the First Punic War (265 B.C.) the roll of Roman citizens had been given as 382,234,[2] at a census held but three years before the tribunate of Tiberius Gracchus (136 B.C.) the numbers presented by the list were 307,833.[3] In 129 years the burgess roll had shrunk by nearly 75,000 heads of the population. The shrinkage had not always been steadily progressive; sometimes there is a sudden drop which tells of the terrible ravages of war. But the return of peace brought no upward movement that was long maintained. In the interval of comparative rest which followed the Third Macedonian War the census rolls showed a decrease of about 13,000 in ten years.[4] Seven years later 2,000 more have disappeared,[5] and a slight increase at the next *lustrum* is followed by another drop of about 14,000.[6] The needs of Rome had increased, and the means for meeting them were dwindling year by year. This must be admitted, however we interpret the meaning of these returns. A hasty generalisation might lead us to infer that a wholesale diminution was taking place in the population of Rome and Italy. The returns may add weight to other evidence which points this way; but, taken by themselves, they afford no warrant for such a conclusion. The census lists were concerned, not only purely with Roman citizens, but purely with Roman citizens of a certain type. It is practically certain that they reproduce only the effective fighting strength of Rome,[7] and take no account of those citizens whose property did not entitle them to be placed amongst the

[1] See de Boor *Fasti Censorii*. A disturbing element in this enumeration is the uncertainty of numerals in ancient manuscripts. But the fact of the progressive decline is beyond all question. No accidental errors of transcription could have produced this result in the text of Livy's epitome.

[2] Liv. *Ep.* xvi.

[3] *Ibid.* lvi.

[4] *Ibid.* xlvi. xlviii.

[5] Euseb. Arm. a. Abr. 1870 Ol. 158.3 (Hieron. Ol. 158.2 = 608 A.U.C.).

[6] Liv. *Ep.* lvi.

[7] Eorum qui arma ferre possent (Liv. i. 44); τῶν ἐχόντων τὴν στρατεύσιμον ἡλικίαν (Dionys. xi. 63); τῶν ἐν ταῖς ἡλικίαις (Polyb. ii. 23).

classes.[1] But, if it is not necessary to believe that an actual diminution of population is attested by these declining numbers, the conclusion which they do exhibit is hardly less serious from an economic and political point of view. They show that portions of the well-to-do classes were ceasing to possess the property which entitled them to entrance into the regular army, and that the ranks of the poorer proletariate were being swelled by their impoverishment. It is possible that such impoverishment may have been welcomed as a boon by the wearied veterans of Rome and their descendants. It meant exemption from the heavier burdens of military service, and, if it went further still, it implied immunity from the tribute as long as direct taxes were collected from Roman citizens.[2] As long as service remained a burden on wealth, however moderate, there could have been little inducement to the man of small means to struggle up to a standard of moderately increased pecuniary comfort, which would certainly be marred and might be lost by the personal inconvenience of the levy.

The decline in the numbers of the wealthier classes is thus attested by the census rolls. But indications can also be given which afford a slight probability that there was a positive diminution in the free population of Rome and perhaps of Italy. The carnage of the Hannibalic war may easily be overemphasised as a source of positive decline. Such losses are rapidly made good when war is followed by the normal industrial conditions which success, or even failure, may bring. But, as we shall soon see reason for believing that these industrial conditions were not wholly resumed in Italy, the Second Punic War may be regarded as having produced a gap in the population which was never entirely refilled. We find evidences of tracts of country which were not annexed by the rich but could not be repeopled by the poor. The policy pursued by the decaying Empire of settling foreign colonists on Italian soil had already occurred to the statesmen of Rome in the infancy of her imperial expansion. In 180 B.C. 40,000 Ligurians belonging to the Apuanian people were dragged from their homes with their wives

[1] Besides the *proletarii* all under military age would be excluded from these lists. Mommsen (*Staatsr.* ii. p. 411) goes further and thinks that the *seniores* are not included in our lists.

[2] The limit to the incidence of taxation was a property of 1500 asses (Cic. *de Rep.* ii. 22. 40), the limit of census for military service was by the time of Polybius reduced to 4000 asses (Polyb. vi. 19). Gellius (xvi. 10. 10) gives a reduction to 375 asses at a date unknown but preceding the Marian reform. Perhaps the numerals are incorrect and should be 3,750.

and children and settled on some public land of Rome which lay in the territory of the Samnites. The consuls were commissioned to divide up the land in allotments, and money was voted to the colonists to defray the expense of stocking their new farms.[1] Although the leading motive for this transference was the preservation of peace amongst the Ligurian tribes, yet it is improbable that the senate would have preferred the stranger to its kindred had there been an outcry from the landless proletariate to be allowed to occupy and retain the devastated property of the State.

But moral motives are stronger even than physical forces in checking the numerical progress of a race. Amongst backward peoples unusual indulgence and consequent disease may lead to the diminution or even extinction of the stock; amongst civilised peoples the motives which attain this result are rather prudential, and are concerned with an ideal of life which perhaps increases the efficiency of the individual, but builds up his healthy and pleasurable environment at the expense of the perpetuity of the race. The fact that the Roman and Italian physique was not degenerating is abundantly proved by the military history of the last hundred years of the Republic. This is one of the greatest periods of conquest in the history of the world. The Italy, whom we are often inclined to think of as exhausted, could still pour forth her myriads of valiant sons to the confines marked by the Rhine, the Euphrates and the Sahara; and the struggle of the civil wars, which followed this expansion, was the clash of giants. But this vigour was accompanied by an ideal, whether of irresponsibility or of comfort, which gave rise to the growing habit of celibacy—a habit which was to stir the eloquence of many a patriotic statesman and finally lead to the intervention of the law. When the censor of 131 uttered the memorable exhortation "Since nature has so ordained that we cannot live comfortably with a wife nor live at all without one, you should hold the eternal safety of the State more dear than your own brief pleasure,"[2] it is improbable that he was indulging in conscious cynicism, although there may have been a trace of conscious humour in his words. He was simply bending to the ideal of the people whom he saw, or imagined to be, before him. The ideal was not necessarily bad, as one that was concerned with individual life. It implied thrift, forethought, comfort—even efficiency of a kind, for the unmarried man was a more likely

[1] Liv. xl. 38. [2] Gell. i. 6. *Cf.* Liv. *Ep.* lix.

recruit than the father of a family. But it sacrificed too much—the future to the present; it ignored the undemonstrable duty which a man owes to the permanent idea of the State through working for a future which he shall never see. It rested partly on a conviction of security; but that feeling of security was the most perilous sign of all.

The practice of celibacy generally leads to irregular attachments between the sexes. In a society ignorant of slavery, such attachments, as giving rise to social inconveniences far greater than those of marriage, are usually shunned on prudential grounds even where moral motives are of no avail. But the existence in Italy of a large class of female dependants, absolutely outside the social circle of the citizen body, rendered the attachment of the master to his slave girl or to his freedwoman fatally easy and unembarrassing. It was unfortunately as attractive as it was easy. Amidst the mass of servile humanity that had drifted to Italy from most of the quarters of the world there was scarcely a type that might not reproduce some strange and wonderful beauty. And the charm of manner might be secured as readily as that of face and form. The Hellenic East must often have exhibited in its women that union of wit, grace and supple tact which made even its men so irresistible to their Roman masters. The courtesans of the capital, whether of high or low estate,[1] are from the point of view which we are considering not nearly so important as the permanent mistress or "concubine" of the man who might dwell in any part of Italy. It was the latter, not the former, that was the true substitute for the wife. There is reason to believe that it was about this period that "concubinage" became an institution which was more than tolerated by society.[2] The relation which it implied between the man and his companion, who was generally one of his freedwomen, was sufficiently honourable. It excluded the idea of union with any other woman, whether by marriage or temporary association; it might be more durable than actual wedlock, for facilities for divorce were rapidly breaking the permanence

[1] See Wallon *Hist. de l'Esclavage* ii. p. 276.

[2] *Concubinatus* could not, by the nature of the case, become a legal conception until the Emperor Augustus had devised penalties for *stuprum*. It was then necessary to determine what kind of *stuprum* was not punishable. But the social institution and its ethical characteristics, although they may have been made more definite by legal regulations, could not have originated in the time of the Principate. For the meaning of *paelex* in Republican times see Meyer *Der römische Konkubinat* and a notice of that work in the *English Historical Review* for July 1896.

of the latter bond; it might satisfy the juristic condition of "marital affection" quite as fully as the type of union to which law or religion gave its blessing. But it differed from marriage in one point of vital importance for the welfare of the State. Children might be the issue of *concubinatus*, but they were not looked on as its end. Such unions were not formed *liberûm quaerendorum causâ*.

The decline, or at least the stationary character, of the population may thus be shown to be partly the result of a cause at once social and economic; for this particular social evil was the result of the economic experiment of the extended use of slavery as a means of production. This extension was itself partly the result of the accidents of war and conquest, and in fact, throughout this picture of the change which was passing over Italy, we can never free ourselves from the spectres of militarism and hegemony. But an investigation of the more purely economic aspects of the industrial life of the period affords a clear revelation of the fact that the effects of war and conquest were merely the foundation, accidentally presented, of a new method of production, which was the result of deliberate design and to some extent of a conscious imitation of systems which had in turn built up the colossal wealth, and assisted the political decay, of older civilisations with which Rome was now brought into contact. The new ideal was that of the large plantation or *latifundium* supervised by skilled overseers, worked by gangs of slaves with carefully differentiated duties, guided by scientific rules which the hoary experience of Asia and Carthage had devised, but, in unskilled Roman hands, perhaps directed with a reckless energy that, keeping in view the vast and speedy returns which could only be given by richer soils than that of Italy, was as exhaustive of the capacities of the land as it was prodigal of the human energy that was so cheaply acquired and so wastefully employed. The East, Carthage and Sicily had been the successive homes of this system, and the Punic ideal reached Rome just at the moment when the tendency of the free peasantry to quit their holdings as unprofitable, or to sell them to pay their debts, opened the way for the organisation of husbandry on the grand Carthaginian model.[1] The opportunity was naturally seized with the utmost eagerness by men whose wants were increasing, whose incomes must

[1] Cunningham *Western Civilisation* p. 156. *Cf.* Soltau in *Kulturgesch. des klass. Altertums* p. 318.

be made to keep pace with these wants, and whose wealth must inevitably be dependent mainly on the produce of the soil. Yet we have no warrant for accusing the members of the Roman nobility of a deliberate plan of campaign stimulated by conscious greed and selfishness. For a time they may not have known what they were doing. Land was falling in and they bought it up; domains belonging to the State were so unworked as to be falling into the condition of rank jungle and pestilent morass. They cleared and improved this land with a view to their own profit and the profit of the State. Free labour was unattainable or, when attained, embarrassing. They therefore bought their labour in the cheapest market, this market being the product of the wars and slave-raids of the time. They acted, in fact, as every enlightened capitalist would act under similar circumstances. It seemed an age of the revival of agriculture, not of its decay. The official class was filled with a positive enthusiasm for new and improved agricultural methods. The great work of the Carthaginian Mago was translated by order of the senate.[1] Few of the members of that body would have cared to follow the opening maxim of the great expert, that if a man meant to settle in the country he should begin by selling his house in town;[2] the men of affairs did not mean to become gentlemen farmers, and it was the hope of profitable investment for the purpose of maintaining their dignity in the capital, not the rustic ideal of the primitive Roman, that appealed to their souls. But they might have hoped that most of the golden precepts of the twenty-eight books, which unfolded every aspect of the science of the management of land, would be assimilated by the intelligent bailiff, and they may even have been influenced by a patriotic desire to reveal to the small holder scientific methods of tillage, which might stave off the ruin that they deplored as statesmen and exploited as individuals. But the lessons were thrown away on the small cultivator; they probably presupposed the possession of capital and labour which were far beyond his reach; and science may have played but little part even in the accumulations of the rich, although the remarkable spectacle of

[1] Plin. *H. N.* xviii. 3. 22; Varro *R. R.* i. 1. 10.

[2] Colum. 1. 1. 18. The Latin translation was probably made shortly after the destruction of Carthage, *circa* 140 B.C. (Mahaffy *The Work of Mago on Agriculture* in *Hermathena* vol. vii. 1890). Mahaffy believes that the Greek translation by Cassius Dionysius (Varro *R. R.* i. 1. 10) was later, and he associates it with the colonies planted by C. Gracchus in Southern Italy.

small holdings, under the personal supervision of peasant proprietors, being unable to hold their own against plantations and ranches managed by bailiffs and worked by slaves, does suggest that some improved methods of cultivation were adopted on the larger estates. The rapidity with which the plantation system spread must have excited the astonishment even of its promoters. Etruria, in spite of the fact that three colonies of Roman citizens had lately been founded within its borders,[1] soon showed one continuous series of great domains stretching from town to town, with scarcely a village to break the monotonous expanse of its self-tilled plains. Little more than forty years had elapsed since the final settlement of the last Roman colony of Luna when a young Roman noble, travelling along the Etruscan roads, strained his eyes in vain to find a free labourer, whether cultivator or shepherd.[2] In this part of Italy it is probable that Roman enterprise was not the sole, or even the main, cause of the wreckage of the country folk. The territory had always been subject to local influences of an aristocratic kind; but the Etruscan nobles had stayed their hand as long as a free people might help them to regain their independence.[3] Now subjection had crushed all other ambition but that of gain and personal splendour, while the ravages of the Hannibalic war had made the peasantry an easy victim of the wholesale purchaser. Farther south, in Bruttii and Apulia, the hand of Rome had co-operated with the scourge of war to produce a like result. The confiscations effected in the former district as a punishment for its treasonable relations with Hannibal,[4] the suitability of the latter for grazing purposes, which had early made it the largest tract of land in Italy patrolled by the shepherd slave,[5] had swept village and cultivator away, and left through whole day's journeys but vast stretches of pasture between the decaying towns.

For barrenness and desolation were often the results of the new and improved system of management. There were tracts of country which could not produce cereals of an abundance and quality capable of competing with the corn imported from the provinces; but

[1] Saturnia in 183 (Liv. xxxix. 55), Graviscae in 181 (Liv. xl. 29), Luna in 180 and again in 177 (Liv. xli. 13; Mommsen in C. I. L. i. n. 539). See Marquardt *Staatsverw.* i. p. 39.

[2] Plut. *Ti. Gracch.* 8; Nitzsch *Die Gracchen* p. 198.

[3] Nitzsch *Die Gracchen* p. 198.

[4] P. 68.

[5] Liv. xxxix. 29. For the slave revolt of 185 B.C., which is here described, see p. 88.

even on territories where crops could be reared productively, it was tempting to substitute for the arduous processes of sowing and reaping the cheaper and easier industry of the pasturage of flocks. We do not know the extent to which arable land in fair condition was deliberately turned into pasturage; but we can imagine many cases in which the land recently acquired by capitalists, whether from the State or from smaller holders, was in such a condition, either from an initial lack of cultivation or from neglect or from the ravages of war, that the new propietor may well have shrunk from the doubtful enterprise of sinking his capital in the soil, for the purpose of testing its productive qualities. In such cases it was tempting to treat the great domain as a sheep-walk or cattle-ranch. The initial expenses of preparation were small, the labour to be employed was reduced to a minimum, the returns in proportion to the expenses were probably far larger than could be gained from corn, even when grown under the most favourable conditions. The great difficulty in the way of cattle-rearing on a large scale in earlier times had been the treatment of the flocks and herds during the winter months. The necessity for providing stalls and fodder for this period must have caused the proprietor to limit the heads of cattle which he cared to possess. But this constraint had vanished at once when a stretch of warm coast-line could be found, on which the flocks could pasture without feeling the rigour of the winter season. Conversely, the cattle-rearer who possessed the advantage of such a line of coast would feel his difficulties beginning when the summer months approached. The plains of the Campagna and Apulia could have been good neither for man nor beast during the torrid season. The full condition which freed a grazier from all embarrassment and rendered him careless of limiting the size of his flocks, was the combined possession of pastures by the sea for winter use, and of glades in the hills for pasturage in summer.[1] Neither the men of the hills nor the men of the plains, as long as they formed independent communities, could become graziers on an extensive scale, and it has been pointed out that even a Greek settlement of the extent of Sybaris had been forced to import its wool from the Black Sea through Miletus.[2] But when Rome had

[1] Varro *R. R.* ii. 5. 11 Pascuntur armenta commodissime in nemoribus, ubi virgulta et frons multa. Hieme secundum mare, aestu abiguntur in montes frondosos.

[2] Nitzsch *Die Gracchen* p. 16.

won the Apennines and extended her influence over the coast, there were no limits to the extent to which cattle rearing could be carried.[1] It became perhaps the most gigantic enterprise connected with the soil of Italy. Its cheapness and efficiency appealed to every practical mind. Cato, who had a sentimental attachment to agriculture, was bound in honesty to reply to the question "What is the best manner of investment?" by the words "Good pasturage". To the question as to the second-best means he answered "Tolerable pasturage". When asked to declare the third, he replied "Bad pasturage". To ploughing he would assign only the fourth place in the descending scale.[2] Bruttii and Apulia were the chief homes of the ranch and the fold. The Lucanian conquest of the former country must, even at a time preceding the Roman domination, have formed a connection between the mountains and the plains, and pasturage on a large scale in the mountain glades of the Bruttian territory may have been an inheritance rather than a creation of the Romans; but the ruin caused in this district by the Second Punic War, the annexation to the State of large tracts of rebel land,[3] and the reduction of large portions of the population to the miserable serf-like condition of *deditícii*,[4] must have offered the capitalists opportunities which they could not otherwise have secured; and both here and in Apulia the tendency to extend the grazing system to its utmost limits must have advanced with terrible rapidity since the close of the Hannibalic war. It was the East coast of Southern Italy that was chiefly surrendered to this new form of industry, and we may observe a somewhat sharp distinction between the pastoral activity of these regions and the agricultural life which still continued, although on a diminished scale, in the Western districts.[5]

We have already made occasional reference to the accidents on which the new industrial methods that created the *latifundia* were designedly based. It is now necessary to examine these accidents

[1] Nitzsch *op. cit.* p. 17.

[2] Cic. *de Off.* ii. 25. 89. So in Cato's more reasoned estimate (*R. R.* i. 7) of the relative degrees of productivity, although *vinea* comes first (*cf.* p. 80) yet *pratum* precedes *campus frumentarius*.

[3] App. *Hannib.* 61. [4] App. *l.c.*; Gell. x. 3. 19.

[5] Nitzsch *Die Gracchen* p. 193 So zerfiel denn Mittelitalien in zwei scharfgetheilte Hälften, den ackerbauenden Westen und den viehzuchttreibenden Osten; jener reich an Häfen, von Landstrassen durchschnitten, in einer menge von Colonien oder einzelnen Gehöften von Römischen Ackerbürgern bewohnt; dieser fast ohne Häfen, nur von einer Küstenstrasse durchschnitten, für den grossen Römer der rechte Sitz seiner Sclaven und Heerden. *Cf.* p. 21. For the pasturage in Calabria and Apulia see *op. cit.* pp. 13 and 193.

in greater detail, if only for the purpose of preparing the ground for a future estimate of the efficacy of the remedies suggested by statesmen for a condition of things which, however naturally and even honestly created, was deplorable both on social and political grounds. The causes which had led to the change from one form of tenure and cultivation to another of a widely different kind required to be carefully probed, if the Herculean task of a reversion to the earlier system was to be attempted. The men who essayed the task had unquestionably a more perfect knowledge of the causes of the change than can ever be possessed by the student of to-day; but criticism is easier than action, and if it is not to become shamelessly facile, every constraining element in the complicated problem which is at all recoverable (all those elements so clearly seen by the hard-headed and honest Roman reformers, but known by them to possess an invulnerability that we have forgotten) must be examined by the historian in the blundering analysis which is all that is permitted by his imperfect information, and still more imperfect realisation, of the temporary forces that are the mill-stones of a scheme of reform.

The havoc wrought by the Hannibalic invasion[1] had caused even greater damage to the land than to the people. The latter had been thinned but the former had been wasted, and in some cases wasted, as events proved, almost beyond repair. The devastation had been especially great in Southern Italy, the nations of which had clung to the Punic invader to the end. But such results of war are transitory in the extreme, if the numbers and energy of the people who resume possession of their wrecked homes are not exhausted, and if the conditions of production and sale are as favourable after the calamity as they were before. The amount of wealth which an enemy can injure, lies on the mere surface of the soil, and is an insignificant fraction of that which is stored in the bosom of the earth, or guaranteed by a favourable commercial situation and access to the sea. Carthage could pay her war indemnity and, in the course of half a century, affright Cato by her teeming wealth and fertility. Her people had resumed their old habits, bent wholeheartedly to the only life they loved, and the prizes of a crowded haven and bursting granaries were the result. If a nation does not recover from such a blow, there must be some permanent defect in its economic life or some fatal flaw in its administrative system.

[1] Liv. xxviii. 11; *cf.* Luc. *Phars.* i. 30.

The devastation caused by war merely accelerates the process of decay by creating a temporary impoverishment, which reveals the severity of the preceding struggle for existence and renders hopeless its resumption. Certainly the great war of which Italy had been the theatre did mark such an epoch in the history of its agricultural life. A lack of productivity began to be manifested, for which, however, subsequent economic causes were mainly responsible. The lack of intensity, which is a characteristic of slave labour, lessened the returns, while the secondary importance attached to the manuring of the fields was a vicious principle inherent in the agricultural precepts of the time.[1] But it is probable that from this epoch there were large tracts of land the renewed cultivation of which was never attempted; and these were soon increased by domains which yielded insufficient returns and were gradually abandoned. The Italian peasant had ever had a hard fight with the insalubrity of his soil. Fever has always been the dreaded goddess of the environs of Rome. But constant labour and effective drainage had kept the scourge at bay, until the evil moment came when the time of the peasant was absorbed, and his energy spent, in the toils of constant war, when his land was swallowed up in the vast estates that had rapid profits as their end and careless slaves as their cultivators. Then the moist fields gave out their native pestilence, and malaria reigned unchecked over the fairest portion of the Italian plain.[2]

One of the leading economic causes, which had led to the failure of a certain class of the Italian peasant-proprietors, was the competition to which they were exposed from the provinces. Rome herself had begun to rely for the subsistence of her increasing population on corn imported from abroad, and many of the large coast-towns may have been forced to follow her example. The corn-producing powers of the Mediterranean lands had now definitely shifted from the regions of the East and North to those of

[1] Dureau de la Malle (*Économie Politique* ii. p. 58) compares the precept of the Roman "Quid est agrum bene colere? bene arare. Quid secundum? arare. Tertio stercorare" with the adage of the French farmer "Fumez bien, labourez mal, vous recueillerez plus qu'en fumant mal et en labourant bien".

[2] See Dreyfus *Les lois agraires* p. 97. Varro (*R. R.* i. 12. 2) is singularly correct in his account of the nature of the disease that arose from the *loca palustria*:— Crescunt animalia quaedam minuta, quae non possunt oculi consequi, et per aera intus in corpus per os ac nares perveniunt atque efficiunt difficilis morbos. The passage is cited by Voigt (Iwan-Müller's *Handbuch* iv. 2. p. 358) who gives a good sketch of the evils consequent on neglect of drainage.

the South.[1] Greece, which had been barely able to feed itself during the most flourishing period of its history, could not under any circumstances have possessed an importance as a country of export for Italy; but the economic evils which had fallen on this unhappy land are worthy of observation, as presenting a forecast of the fate which was in store for Rome. The decline in population, which could be attributed neither to war nor pestilence, the growing celibacy and childlessness of its sparse inhabitants,[2] must have been due to an agricultural revolution similar to that which was gradually being effected on Italian soil. The plantation system and the wholesale employment of slave labour must have swept across the Aegean from their homes in Asia Minor. Here their existence is sufficiently attested by the servile rising which was to assume, shortly after the tribunate of Tiberius Gracchus, the pretended form of a dynastic war; and the troubles which always attended the collection of the Asiatic tithes, in the days when a Roman province had been established in those regions, give no favourable impression of the agricultural prosperity of the countries which lay between the Taurus and the sea. As far south as Sicily there was evidence of exhaustion of the land, and of unnatural conditions of production, which excluded the mass of the free inhabitants from participation both in labour and profits. But even Sicily had learned from Carthage the evil lesson that Greece had acquired from Asia; the plantation system had made vast strides in the island, and the condition of the *aratores*, whether free-holders or lessees, was not what it had been in the days of Diocles and Timoleon. The growing economic dependence of Rome on Sicily was by no means wholly due to any exceptional productive capacities in the latter, but was mainly the result of proximity, and of administrative relations which enabled the government and the speculator in corn to draw definite and certain supplies of grain from the Sicilian cultivators. This was true also, although to a smaller degree, of Sardinia. But Sicily and Sardinia do mark the beginning of the Southern zone of lands which were capable of filling the markets of the Western world. It was the Northern coast of Africa which rose supreme as the grain-producer of the time. In the Carthaginian territory the natural absence of an agricultural peasantry amidst a commercial folk, and the elaboration of a de-

[1] Nitzsch *Die Gracchen* p. 228. [2] Polyb. xxxvii. 4.

finite science of agriculture, had neutralised the ill effects which accompanied the plantation system amongst other peoples less business-like and scientific; the cultivators had shown no signs of unrest and the soil no traces of exhaustion. It has been inferred with some probability that the hostility of Cato, the friend of agriculture and of the Italian yeoman, to the flourishing Punic state was directed to some extent by the fear that the grain of Africa might one day drive from the market the produce of the Italian fields;[1] and, if this view entered into the calculations which produced the final Punic War, the very short-sightedness of the policy which destroyed a state only to give its lands to African cities and potentates or to Roman speculators, who might continue the methods of the extinct community, is only too characteristic of that type of economic jealousy which destroys an accidental product and leaves the true cause of offence unassailed. The destruction of Carthage had, as a matter of fact, aggravated the danger; for the first use which Masinissa of Numidia made of the vast power with which Rome had entrusted him, was an attempt to civilise his people by turning them into cultivators;[2] and the virgin soil of the great country which stretched from the new boundaries of Carthage to the confines of the Moors, was soon reckoned amongst the competing elements which the Roman agriculturist had to fear.

But the force of circumstances caused the Sicilian and Sardinian cultivator to be the most formidable of his immediate competitors. The facility of transport from Sicily to Rome rendered that island superior as a granary to even the more productive portions of the Italian mainland. Sicily could never have revealed the marvellous fertility of the valley of the Po, where a bushel and a half of wheat could be purchased for five pence half-penny, and the same quantity of barley was sold for half this price;[3] but it was easier to get Sicilian corn to Rome by sea than to get Gallic corn to Rome by land; and the system of taxation and requisitions which had grown out of the provincial organisation of the island, rendered it peculiarly easy to place great masses of corn on the Roman market at very short notice. Occasionally the Roman government enforced a sale of corn from the province (*frumentum emptum*),[4] a reasonable price being paid for the grain thus demanded for the city

[1] Nitzsch *Die Gracchen* p. 237. [2] Polyb. xxxvii. 3. [3] Polyb. ii. 15.
[4] For such purchases from Sardinia see Liv. xxxvi. 2, from Sicily (at a period later than that which we are considering) Cic. *in Verr.* iii. 70. 163.

or the army; but this was almost the only case in which the government intervened to regulate supplies. In the ordinary course of things the right to collect the tithes of the province was purchased by public companies, who paid money, not grain, into the Roman treasury, and these companies placed their corn on the market as best they could. The operations of the speculators in grain doubtless disturbed the price at times. But yet the certainty, the abundance and the facilities for transport of this supply were such as practically to shut out from competition in the Roman market all but the most favourably situated districts of Italy. Their chance of competition depended mainly on their accidental possession of a good road, or their neighbourhood to the sea or to a navigable river.[1] The larger proprietors in any part of Italy must have possessed greater facilities for carrying their grain to a good market than were enjoyed by the smaller holders. The Clodian law on trade permitted senators to own sea-going ships of a certain tonnage;[2] they could, therefore, export their own produce without any dependence on the middle-man, while the smaller cultivators would have been obliged to pay freight, or could only have avoided such payment by forming shipping-companies amongst themselves. But such combination was not to be looked for amongst a peasant class, barely conscious even of the external symptoms of the great revolution which was dragging them to ruin, and perhaps almost wholly oblivious of its cause.

It required less penetration to fathom the second of the great reasons for the accumulation of landed property in the hands of the few; for this cause had been before the eyes of the Roman world, and had been expounded by the lips of Roman statesmen, for generations or, if we credit a certain class of traditions,[3] even for centuries. This cause of the growing monopoly of the land by the few was the system of possession which the State had encouraged, for the purpose of securing the use and cultivation of its public domain. The policy of the State seems to have changed from time to time with reference to its treatment of this particular portion of its property, which it valued as the most secure of its assets

[1] *Cf.* Cato *R. R.* i. 3 (In choosing the situation of one's estate) oppidum validum prope siet aut mare aut amnis, qua naves ambulant, aut via bona celebrisque.

[2] P. 33.

[3] For the traditions which assign a very early date for laws dealing with the *ager publicus* see the following chapter, which treats of the legislation of Tiberius Gracchus.

and one that served, besides its financial end, the desirable purpose of assisting it to maintain the influence of Rome throughout almost every part of Italy. When conquered domain had first been declared "public," the government had been indifferent to the type of occupier which served it by squatting on this territory and reclaiming land that had not been divided or sold chiefly because its condition was too unattractive to invite either of these processes.[1] It had probably extended its invitation even to Latin allies,[2] and looked with approval on any member of the burgess body who showed his enterprise and patriotism by the performance of this great public service. If the State had a partiality, it was probably for the richer and more powerful classes of its citizens. They could embrace a greater quantity of land in their grasp, and so save the trouble which attended an estimate of the returns of a great number of small holdings; they possessed more effective means of reclaiming waste or devastated land, for they had a greater control of capital and labour; lastly, through their large bands of clients and slaves, they had the means of efficiently protecting the land which they had occupied, and this must have been an important consideration at a time when large tracts of the *ager publicus* lay amidst foreign territories which were barely pacified, and were owned by communities that often wavered in their allegiance to Rome. But, whatever the views of the government, it is tolerably clear that the original occupiers must have chiefly represented men of this stamp. These were the days when the urban and the rustic tribes were sharply divided, as containing respectively the men of the town and the men of the country, and when there were comparatively few of the latter folk that did not possess some holding of their own. It was improbable that a townsman would often venture on the unfamiliar task of taking up waste land; it was almost as improbable that a small yeoman would find leisure to add to the unaided labour on his own holding the toil of working on new and unpromising soil, except in the cases where some unclaimed portion of the public domain was in close proximity to his estate.

[1] App. *Bell. Civ.* i. 7 *τῆς δὲ γῆς τῆς δορικτήτου σφίσιν ἑκάστοτε γιγνομένης τὴν μὲν ἐξειργασμένην αὐτίκα τοῖς οἰκιζομένοις ἐπιδιῄρουν ἢ ἐπίπρασκον ἢ ἐξεμίσθουν, τὴν δ' ἀργὸν ἐκ τοῦ πολέμου τότε οὖσαν, ἣ δὴ καὶ μάλιστα ἐπλήθυεν, οὐκ ἄγοντές πω σχολὴν διαλαχεῖν, ἐπεκήρυττον ἐν τοσῷδε τοῖς ἐθέλουσιν ἐκπονεῖν ἐπὶ τέλει τῶν ἐτησίων καρπῶν.*

[2] For the evidence for this and other statements connected with the *ager publicus* see the citations in the next chapter.

We may, therefore, infer that from very early times the wealthier classes had asserted themselves as the chief occupiers of the public domain. And this condition of things continued to be unchallenged until a time came[1] when the small holders, yielding to the pressure of debt and bankruptcy, sought their champions amongst the tribunes of the Plebs. The absolute control of the public domain by the State, the absolute insecurity of the tenure of its occupants, furnished an excellent opportunity for staving off schemes of confiscation and redistribution of private property, such as had often shaken the communities of Greece, and even for refusing to tamper with the existing law of debtor and creditor.[2] It was imagined that bankrupt yeomen might be relieved by being allowed to settle on the public domain, or that the resumption or retention of a portion of this domain by the State might furnish an opportunity for the foundation of fresh colonies, and a law was passed limiting the amount of the *ager publicus* that any individual might possess. The enactment, whatever its immediate results may have been, proved ineffective as a means of checking the growth of large possessions. No special commission was appointed to enforce obedience to its terms, and their execution was neglected by the ordinary magistrates. The provisions of the law were, indeed, never forgotten, but as a rule they were remembered only to be evaded. Devious methods were adopted of holding public land through persons who seemed to be *bonâ fide* possessors in their own right, but were in reality merely agents of some planter who already held land up to the permitted limit.[3] Then came the agricultural crisis which followed the Punic Wars. The small freeholds, mortgaged, deserted or selling for a fraction of their value, began to fall into the meshes of the vast net which had spread over the public domain. In some cases actual violence is said to have been used to the smaller yeomen by their neighbouring tyrants,[4] and we can readily imagine that, when a holding had been deserted for a time

[1] In consequence of the doubtfulness of the traditions concerning early agrarian laws this time cannot even be approximately specified. See the next chapter.

[2] Tradition represents the first laws dealing with the *ager publicus* (*e.g.* the supposed *lex Licinia*) as earlier than the *lex Poetelia* of 326 B.C., which abolished the contract of *nexum*.

[3] Plut. *Ti. Gracch.* 8 ὕστερον δὲ τῶν γειτνιώντων πλουσίων ὑποβλήτοις προσώποις μεταφερόντων τὰς μισθώσεις εἰς ἑαυτούς.

[4] App. *Bell. Civ.* i. 7 οἱ γὰρ πλούσιοι . . . τὰ . . . ἀγχοῦ σφισιν, ὅσα τε ἦν ἄλλα βραχέα πενήτων, τὰ μὲν ὠνούμενοι πειθοῖ τὰ δὲ βίᾳ λαμβάνοντες, πεδία μακρὰ ἀντὶ χωρίων ἐγεώργουν. *Cf.* Seneca *Ep.* xiv. 2 (90). 39 Licet agros agris adjiciat vicinum vel pretio pellens vel injuria.

through stress of war or military service, it might be difficult to resume possession in the face of effective occupation by the bailiff of some powerful neighbour. The *latifundium*—acquired, as it was believed, in many cases by force, fraud and shameless violation of the law—was becoming the standard unit of cultivation throughout Italy.[1] When we consider the general social and economic circumstances of the time, it is possible to imagine that large properties would have grown in Italy, as in Greece, had Rome never possessed an inch of public domain; but the occupation of *ager publicus* by the rich is very important from two points of view. On the one hand, it unquestionably accelerated the process of the formation of vast estates; and a renewed impulse had lately been given to this process by the huge confiscations in the South of Italy, and perhaps by the conquest of Cisalpine Gaul; for it is improbable that the domain possessed by the State in this fertile country had been wholly parcelled out amongst the colonies of the northern frontier.[2] But on the other hand, the fact that the kernel of these estates was composed of public land in excess of the prescribed limit seemed to make resumption by the State and redistribution to the poor legally possible. The *ager publicus*, therefore, formed the basis for future agitation and was the rallying point for supporters and opponents of the proposed methods of agricultural reform.

But it was not merely the negligence of the State which led to the crushing of the small man by the great; the positive burdens which the government was forced to impose by the exigencies of the career of conquest and hegemony into which Rome had drifted, rendered the former an almost helpless competitor in the uneven struggle. The conscription had from early days been a source of impoverishment for the commons and of opportunity for the rich. The former could obey the summons of the State only at the risk of pledging his credit, or at least of seeing his homestead drift into a condition of neglect which would bring the inevitable day when it

[1] πεδία μάκρα (App. *l.c.*), Plin. *H. N.* xviii. 6. 35 Verumque confitentibus latifundia perdidere Italiam. (For the expression *lati fundi* see Siculus Flaccus pp. 157, 161). Frontinus p. 53 Per longum enim tempus attigui possessores vacantia loca quasi invitante otiosi soli opportunitate invaserunt, et per longum tempus impune commalleaverunt. For the invasion of pasturage see Frontinus p. 48 Haec fere pascua certis personis data sunt depascenda tunc cum agri adsignati sunt. Haec pascua multi per inpotentiam invaserunt et colunt.

[2] In spite of the fertility of the land, the native Gallic population had vanished from most of the districts of this region as early as Polybius' time (Polyb. ii. 35). *Cf.* Nitzsch *Die Gracchen* p. 60.

could only be rehabilitated by a loan of seed or money. The lot of the warrior of moderate means was illustrated by the legend of Regulus. He was believed to have written home to the consuls asking to be relieved of his command in Africa. The bailiff whom he had left on his estate of seven *jugera* was dead, the hired man had stolen the implements of agriculture and run away; the farm lay desolate and, were its master not permitted to return, his wife and children would lack the barest necessaries of existence.[1] The struggle to maintain a household in the absence of its head was becoming more acute now that corn-land was ceasing to pay, except under the most favourable conditions, and now that the demand for conscripts was sometimes heavier and always more continuous than it had ever been before. Perhaps one-tenth of the adult male population of Rome was always in the field;[2] the units came and went, but the men who bore the brunt of the long campaigns and of garrison duty in the provinces were those to whom leisure meant life—the yeomen who maintained their place in the census lists by hardy toil, and who risked their whole subsistence through the service that had been wrested from them as a reward for a laborious career. When they ceased to be owners of their land, they found it difficult to secure places even as labourers on some rich man's property. The landholder preferred the services of slaves which could not be interrupted by the call of military duty.[3]

The economic evils consequent on the conscription must have been felt with hardly less severity by such of the Italian allies as lived in the regions within which the *latifundia* were growing up. To these were added the pecuniary burdens which Rome had been forced to impose during the Second Punic War. These burdens were for the most part indirect, for Rome did not tax her Italian *socii*, but they were none the less severe. Every contingent supplied from an allied community had its expenses, except that of food during service, defrayed from the treasury of its own state,[4] and ten continuous years of conscription and requisition had finally exhausted the loyalty even of Rome's Latin kindred.[5] It is true that the Italians were partially, although not wholly, free from the economic

[1] Val. Max. iv. 4. 6.
[2] Steinwender *Die römische Bürgerschaft in ihrem Verhältnis zum Heere* p. 28.
[3] App. *Bell. Civ.* i. 7.
[4] Polyb. vi. 39.
[5] Liv. xxvii. 9 (209 B.C.) Fremitus enim inter Latinos sociosque in conciliis ortus:—Decimum annum dilectibus, stipendiis se exhaustos esse . . . Duodecim (coloniae) . . . negaverunt consulibus esse unde milites pecuniamque darent.

struggle between the possessors of the public land and the small freeholders; but there is no reason for supposing that those of Western Italy were exempt from the consequences of the reduction in price that followed the import of corn from abroad, and the drain on their incomes and services which had been caused by war could scarcely have fitted them to stand this unexpected trial. Rome's harsh dealings with the treasonable South, although adopted for political motives, was almost unquestionably a political blunder. She confiscated devastated lands, and so perpetuated their devastation. She left ruined harbours and cities in decay. She crippled her own resources to add to the pastoral wealth of a handful of her citizens. In the East of Italy there was a far greater vitality than elsewhere in agriculture of the older type. The Samnites in their mountains, the Peligni, Marrucini, Frentani and Vestini between the Apennines and the sea still kept to the system of small freeholds. Their peasantry had perhaps always cultivated for consumption rather than for sale; their inhabitants were rather beyond the reach of the ample supply from the South; and for these reasons the competition of Sicilian and African corn did not lead them to desert their fields. They were also less exposed than the Romans and Latins to the aggressions of the great *possessor*; for, since they possessed no *commercium* with Rome, the annexation of their property by legal means was beyond the reach even of the ingenious cupidity of the times.[1] The proof of the existence of the yeoman in these regions is the danger which he caused to Rome. The spirit which had maintained his economic independence was to aim at a higher goal, and the struggle for equality of political rights was to prove to the exclusive city the prowess of that class of peasant proprietors which she had sacrificed in her own domains.

But, although this sacrifice had been great, we must not be led into the belief that there was no hope for the agriculturist of moderate means either in the present or in the future. Even in the present there were clear indications that estates of moderate size could under careful cultivation hold their own. The estate of Lucius Manlius, which Cato sketches in his work on agriculture,[2] was far from rivalling the great demesnes of the princes of the land. It consisted of 240 *jugera* devoted to the olive and of 100 *jugera* reserved for the vine. Provision was made for a moderate supply of

[1] Nitzsch *Die Gracchen* p. 194. [2] Cato *R. R.* 144 etc.

corn and for pasturage for the cattle that worked upon the fields. But the farm was on the whole a representative of the new spirit, which saw in the vine and the olive a paying substitute for the decadent culture of grain. Even on an estate of this size we note as significant that the permanent and even the higher personnel of the household (the latter being represented by the *villici* and the *villicae*) was composed of slaves; yet hirelings were needed for the harvest and the corn was grown by cottagers who held their land on a *métayer* tenure. But such an estate demanded unusual capital as well as unusual care. On the tiny holdings, which were all that the poorest could afford, the scanty returns might be eked out by labour on the fields of others, for the small allotment did not demand the undivided energies of its holder.[1] There was besides a class of *politores*[2] similar to that figured as cultivating the corn-land on the estate of Manlius, who received in kind a wage on which they could at least exist. They were nominally *métayer* tenants who were provided with the implements of husbandry by their landlord; but the quantity of grain which they could reserve to their own use was so small, varying as it did from a ninth to a fifth of the whole of the crop which they had reaped,[3] that their position was little better than that of the poorest labourer by the day.[4] The humblest class of freemen might still make a living in districts where pasturage did not reign supreme. But it was a living that involved a sacrifice of independence and a submission to sordid needs that were unworthy of the past ideal of Roman citizenship. It was a living too that conferred little benefit on the State; for the day-labourers and the *politores* could scarcely have been in the position on the census list which rendered them liable to the conscription.

If it were possible to lessen the incidence of military service and to secure land and a small amount of capital for the dispossessed, the prospects for the future were by no means hopeless. The smaller culture, especially the cultivation of the vine and the olive, is that to which portions of Italy are eminently suited. This is especially true of the great volcanic plain of the West extending

[1] Nitzsch *Die Gracchen* p. 187. [2] Cato *R. R.* 5, 136.

[3] Cato *R. R.* 136 Politionem quo pacto *partiario* dari oporteat. In agro Casinate et Venafro in loco bono parti octava corbi dividat, satis bono septima, tertio loco sexta; si granum modio dividet, parti quinta. In Venafro ager optimus nona parti corbi dividat . . . Hordeum quinta modio, fabam quinta modio dividat.

[4] Nitzsch *Die Gracchen* p. 188.

from the north of Etruria to the south of Campania and comprising, besides these territories, the countries of the Latins, the Sabines, the Volsci and the Hernici. The lightness and richness of the alluvion of this volcanic soil is almost as suited to the production of cereals as to that of the vine and the olive or the growth of vegetables.[1] But, even on the assumption that corn-growing would not pay, there was nothing to prevent, and everything to encourage the development of the olive plantation, the vineyard and the market garden throughout this region. It was a country sown with towns, and the vast throat of Rome alone would cry for the products of endless labour. Even Cato can place the vine and the olive before grazing land and forest trees in the order of productivity,[2] and before the close of the Republic the government had learnt the lesson that the salvation of the Italian peasantry depended on the cultivation of products like these. The conviction is attested by the protective edict that the culture of neither the vine nor the olive was to be extended in Transalpine Gaul.[3] Market gardening was also to have a considerable future, wherever the neighbourhood of the larger towns created a demand for such supplies.[4] A new method of tenure also gave opportunities to those whose capital or circumstances did not enable them to purchase a sufficient quantity of land of their own. Leaseholds became more frequent, and the *coloni* thus created [5] began to take an active share in the agricultural life of Italy. Like the *villici*, they were a product of the tendency to live away from the estate; but they gained ground at the expense of the servile bailiffs, probably in consequence of their greater trustworthiness and keener interest in the soil.

But time was needed to effect these changes. For the present the reign of the capitalist was supreme, and the plantation system was dominant throughout the greater part of Italy. The most essential

[1] Dureau de la Malle *Économie Politique* ii. pp. 225, 226.

[2] Cato *R. R.* i. 7 Vinea est prima, . . . secundo loco hortus inriguus, tertio salictum, quarto oletum, quinto pratum, sexto campus frumentarius, septimo silva caedua, octavo arbustum, nono glandaria silva.

[3] Cic. *de Rep.* iii. 9. 16 Nos vero justissimi homines, qui Transalpinas gentis oleam et vitem serere non sinimus, quo pluris sint nostra oliveta nostraeque vineae. *Cf.* Colum. iii. 3. 11.

[4] See Cato *R. R.* 7. 8 for the produce of the *fundus suburbanus*. *Cf.* c. 1 (note 2) for the value of the *hortus inriguus*.

[5] See the citations in Voigt (Iwan-Müller's *Handbuch* iv. 2 p. 370). Communities and corporations employed *coloni* on their *agri vectigales* (Cic. *ad Fam.* xiii. 11. 1; Hygin. *de Cond. Agr.* p. 117. 11; Voigt. *l.c.*).

ingredient in this system was the slave,—an alien and a chattel, individually a thing of little account, but reckoned in his myriads the most powerful factor in the economic, and therefore in the political, life of the times, the gravest of the problems that startled the reformer. The soil of Italy was now peopled with widely varied types, and echoes of strange tongues from West and East could be heard on every hand. Italy seemed a newly discovered country, on which the refuse of all lands had been thrown to become a people that could never be a nation. The home supply of slaves, so familiar as to seem a product of the land, was becoming a mere trifle in comparison with the vast masses that were being thrust amongst the peasantry by war and piracy. At the time of the protest of Tiberius Gracchus against the dominance of slave labour in the fields scarcely two generations had elapsed since the great influx had begun. The Second Punic War had spread to every quarter of the West; Sicily, Sardinia, Cisalpine Gaul and Spain all yielded their tribute in the form of human souls that had passed from the victor to the dealer, from the dealer to the country and the town. Only one generation had passed since a great wave had swept from Epirus and Northern Greece over the shores of Italy. In Epirus alone one hundred and fifty thousand prisoners had been sold.[1] Later still the destruction of Carthage must have cast vast quantities of agricultural slaves upon the market.[2] Asia too had yielded up her captives as the result of Roman victories; but the Oriental visages that might be seen in the streets of Rome or the plains of Sicily, were less often the gift of regular war than of the piracy and the systematised slave-hunting of the Eastern Mediterranean. Rome, who had crushed the rival maritime powers that had attempted, however imperfectly, to police the sea, had been content with the work of destruction, and seemed to care nothing for the enterprising buccaneers who sailed with impunity as far west as Sicily. The pirates had also made themselves useful to the Oriental powers which still retained their independence; they had been tolerated, if they had not been employed, by Cyprus and Egypt when these states were struggling against the Empire of the Seleucids.[3] But another reason for their immunity was the view held in the ancient world that slave-

[1] Liv. xlv. 34.

[2] Mahaffy ("The Slave Wars against Rome" in *Hermathena* no. xvi. 1890) believes that the majority of these were shipped to Sicily.

[3] Strabo xiv. 5. 2.

hunting was in itself a legitimate form of enterprise.[1] The pirate might easily be regarded as a mere trader in human merchandise. As such, he had perhaps been useful to Carthage;[2] and, as long as he abstained from attacking ports or nationalities under the protectorate of Rome, there was no reason why the capitalists in power should frown on the trade by which they prospered. For the pirates could probably bring better material to the slave market than was usually won in war.[3] A superior elegance and culture must often have been found in the helpless victims on whom they pounced; beauty and education were qualities that had a high marketable value, and by seizing on people of the better class they were sure of one of two advantages—either of a ransom furnished by the friends of the captives, or of a better price paid by the dealer. There was scarcely a pretence that the traders were mere intermediaries who bought in a cheap market and sold in a dear. They were known to be raiders as well, and numbers of the captives exhibited in the mart at Side in Pamphylia were known to have been freemen up to the moment of the auction.[4] The facility for capture and the proximity of Delos, the greatest of the slave markets which connected the East with the West, rendered the supply enormous; but it was equalled by the demand, and myriads of captives are said to have been shipped to the island and to have quitted it in a single day. The ease and rapidity of the business transacted by the master of a slave-ship became a proverb;[5] and honest mercantile undertakings with their tardy gains must have seemed contemptible in comparison with this facile source of wealth.

An abundant supply and quick returns imply reasonable prices; and the cheapness of the labour supplied by the slave-trade, whether as a consequence of war or piracy, was at once a necessary condition of the vitality of the plantation system and a cause of the reckless-

[1] *Cf.* Arist. *Pol.* i. 8. 12 *ἡ πολεμικὴ φύσει κτητική πως ἔσται. ἡ γὰρ θηρευτικὴ μέρος αὐτῆς, ᾗ δεῖ χρῆσθαι πρός τε τὰ θηρία καὶ τῶν ἀνθρώπων ὅσοι πεφυκότες ἄρχεσθαι μὴ θέλουσιν, ὡς φύσει δίκαιον τοῦτον ὄντα τὸν πόλεμον.*

[2] Mahaffy (*l.c.*) thinks that the Syrians and Cilicians of the first slave war in Sicily, whom he believes to have been transferred from Carthage, had been secured by that state in a trade with the East—the trade which perhaps took the Southern Mediterranean route from Malta past Crete and Cyprus.

[3] Wallon *Histoire de l'Esclavage* ii. p. 45.

[4] Strabo xiv. 3. 2 *ἐν Σίδῃ γοῦν πόλει τῆς Παμφυλίας τὰ ναυπήγια συνίστατο τοῖς Κίλιξιν, ὑπὸ κήρυκά τε ἐπώλουν ἐκεῖ τοὺς ἁλόντας ἐλευθέρους ὁμολογοῦντες.*

[5] Strabo (xiv. 5. 2), after describing the slave market at Delos, continues *ὥστε καὶ παροιμίαν γενέσθαι διὰ τοῦτο· ἔμπορε, καταπλεῦσον, ἐξελοῦ, πάντα πέπραται.*

ness and neglect with which the easily replaced instruments might be used. Cato, a shrewd man of business, never cared to pay more than fifteen hundred denarii for his slaves.[1] This must have been the price of the best type of labourer, of a man probably who was gifted with intelligence as well as strength. Ordinary unskilled labour must have fetched a far smaller sum; for the prices which are furnished by the comic poetry of the day—prices which are as a rule conditioned by the value of personal services or qualities of a particular kind, by the attractions of sex and the competition for favours—do not on the average far exceed the limit fixed by Cato.[2] For common work newly imported slaves were actually preferred, and purchasers were shy of the *veterator* who had seen long service.[3] Employment in the fashionable circles of the town doubtless enhanced the value of a slave, when he was known to have been in possession of some peculiar gift, whether it were for cookery, medicine or literature; but the labours of the country could easily be drilled into the newest importation, and prices diminished instead of rising with the advancing age and experience of the rustic slave.[4]

The cheapened labour which was now spread over Italy presented as many varieties of moral as of physical type, and these came to be well known to the prospective owner, not because he aimed at being a moral influence, but because he objected to being worried by the vagaries of an eccentric type. Sardinians were always for sale, not because they were specially abundant, but because they showed an indocility that rendered them a sorry possession.[5] The passive Oriental, the Spaniard fierce and proud, required different methods of management and inspired different precautions; yet experience soon proved that the hellenised sons of the East had a better capacity for organising revolt than their fellow-sufferers from the North and West, and much of the harshness of Roman slavery was prompted by the panic which is the

[1] Plut. *Cato Maj.* 4.

[2] If we make the denarius a rough equivalent of the drachma, some of the prices given in Plautus are as follows:—A child, 600 denarii, a nurse and two female children, 1800, a young girl, 2000, another 3000. Here we seem to get the average prices for valuable and refined domestics. Elsewhere special circumstances might increase the value; a female lyrist fetches 5000 denarii, a girl of remarkable attractions 6000. See Wallon *Hist. de l'Esclavage* ii. pp. 160 ff.

[3] Ter. *Andria* ii. 6. 26.

[4] It is probable, however, that in the case of superintendents (*villici*, *villicae*, *procuratores*) experience may have been an element in the prices which they fetched.

[5] Festus p. 322 Sardi venales, alius alio nequior.

nemesis of the man who deals in human lives. But more of it was due to the indifference which springs from familiarity, and from the cold practical spirit in which the Roman always tended to play with the pawns of his business game, even when they were freemen and fellow-citizens. A man like Cato, who had sense and honesty enough to look after his own business, elaborated a machine-like system for governing his household, the aim of which was the maximum of profit with the minimum amount of humanity which is consistent with the attainment of such an end. The element of humanity is, however, accidental. There is no conscious appeal to such a feeling. The slaves seem to be looked on rather as automata who perform certain mental and physical processes analogous to those of men. Cato's servants were never to enter another house except at his bidding or at that of his wife, and were to express utter ignorance of his domestic history to all inquirers; their life was to alternate between working and sleeping, and the heavy sleeper was valued as presumably a peaceful character; little bickerings between the servants were to be encouraged, for unanimity was a matter for suspicion and fear; the death sentence pronounced on any one of them by the law was carried out in the presence of the assembled household, so as to strike a wholesome terror into the rest. If they wished to propagate their kind, they must pay for the privilege, and a fixed sum was demanded from the slave who desired to find a mate amongst his fellow-servants.[1] The rations were fixed and only raised at the people's festivals of the Saturnalia and Compitalia;[2] a sick slave was supposed to need less than his usual share[3]—perhaps an excellent hygienic maxim, but one scarcely adopted on purely hygienic grounds. Such a life was an emphatic protest against the indulgence of the city, the free and careless intercourse which often reversed the position of master and slave and formed part of the stock-in-trade of the comedian. Yet, even when the bond between the man of fashion and his artful servants had merely a life of pleasure and of mischief as its end, we are at least lifted by such relations into a human sphere, and it is exceedingly questionable whether the warped humanity of the city did mark so low a level as the brutalised life of the estate over which Cato's fostering genius was spread. If we develop Cato's methods but a little, if we admit a little more rigour and a little less dis-

[1] Plut. *Cato Maj.* 21. [2] Cato *R. R.* 56. 57. [3] *Ibid.* 2.

crimination, we get the dismal barrack-like system of the great plantations—a barrack, or perhaps a prison, nominally ruled by a governor who might live a hundred miles away, really under the control of an anxious and terrified slave, who divided his fears between his master who wanted money and his servants who wanted freedom. The *villicus* had been once the mere intendant of the estate on which his master lived; he was now sole manager of a vast domain for his absent lord,[1] sole keeper of the great *ergastulum* which enclosed at nightfall the instruments of labour and disgorged them at daybreak over the fields. The gloomy building in which they were herded for rest and sleep showed but its roof and a small portion of its walls above the earth; most of it lay beneath the ground, and the narrow windows were so high that they could not be reached by the hands of the inmates.[2] There was no inspection by the government, scarcely any by the owners.[3] There was no one to tell the secrets of these dens, and if the unwary traveller were trapped and hidden behind their walls, all traces of him might be for ever lost.[4] When the slaves were turned out into the fields, the safety of their drivers was secured by the chains which bound their limbs, but which were so adjusted as not to interfere with the movements necessary to their work.[5] Some whose spirit had been broken might be left unbound, but for the majority bonds were the only security against escape or vengeance.[6]

There was, however, one type of desperate character who was permitted to roam at large. This was the guardian of the flocks, who wandered unrestrained over the mountains during the summer months and along the prairies in the winter season. These herdsmen formed small bands. It was reckoned that there should be one for every eighty or hundred sheep and two for every troop of

[1] At the close of this period a division took place between the functions of *villicus* and those of *procurator*. The former still controlled the economy of the estate and administered its goods; the latter was the business agent and entered into legal relations with other parties. See Voigt in Iwan-Müller's *Handbuch* iv. 2 p. 368.

[2] Colum. i. 6.

[3] An inspection of all the *ergastula* of Italy was ordered by Augustus (Suet. *Aug.* 32) and Tiberius (Suet. *Tib.* 8). Columella (i. 8) recommends inspection by the master.

[4] Kidnapping became very frequent after the civil wars. It was to prevent this evil that inspection was ordered by the Emperors (note 3). See Thédenat in Daremberg-Saglio *Dict. des Antiq. s.v.* Ergastulum.

[5] Plaut. *Most.* i. 1. 18; Florus iii. 19.

[6] For the distinction between the *vincti* and *soluti* see Colum. i. 7.

fifty horses.[1] It was sometimes found convenient that they should be accompanied by their women who prepared their meals—women of robust types like the Illyrian dames to whom child-birth was a mere incident in the daily toils.[2] Such a life of freedom had its attractions for the slave, but it had its drawbacks too. The land-owner who preferred pasturage to tillage, saved his capital, not only by the small number of hands which the work demanded, but also by the niggardly outlay which he expended on these errant serfs. It was not needful to provide them with the necessaries of life when they could take them for themselves. When Damophilus of Enna was entreated by his slaves to give them something better than the rags they wore, his answer was: "Do travellers then travel naked through the land? Have they nothing for the man who wants a coat?"[3] Brigandage, in fact, was an established item in the economic creed of the day.

The desolation of Italy was becoming dangerous, and the master of the lonely villa barred himself in at nights as though an enemy were at his gates. On one occasion Scipio Africanus was disturbed in his retreat at Liternum by a troop of bandits. He placed his armed servants on the roof and made every preparation for repelling the assault. But the visitors proved to be pacific. They were the very *élite* of the fraternity of brigands and had merely come to do honour to the great man. They sent back their troops, threw down their arms, laid presents before his door and departed in joyous mood.[4] The immunity of such bands proved that a slave revolt might at any moment imperil every life and every dwelling in some unprotected canton. It was indeed the epoch of peace, when Roman and Phoenician armies no longer held the field in Italy, that first suggested the hope of liberation to the slave. Hannibal would have imperilled his character of a protector of Italian towns had he encouraged a slave revolt, even if the Phoenician had not shrunk from a precedent so fatal to his native land. But one of the unexpected results of the Second Punic War was to kindle a rising in the very heart of Latium, and it was the African

[1] Varro *R. R.* ii. 2 10 The proportion is larger than would be demanded in modern times, but Mahaffy (*l.c.*) remarks that we do not hear of the work of guardianship being shared by trained dogs, and that the danger from wild beasts and lawless classes was considerable. As regards the first point, however, we do hear of packs of hounds which followed the Sicilian shepherds (Diod. xxxiv. 2), and it is difficult to believe that these had not developed some kind of training.

[2] Varro *R. R.* ii. 10. 7.

[3] Diod. xxxiv. 2. 38.

[4] Val. Max. ii. 10. 2.

slave, not the African freeman, that stirred the last relics of the war in Italy. At Setia were guarded the noble Carthaginians who were a pledge of the fidelity of their state. These hostages, the sons of merchant princes, were allowed to retain the dignity of their splendid homes, and a vast retinue of slaves from Africa attended on their wants. The number of these was swelled by captive members of the same nationalities whom the people of Setia had acquired in the recent war.[1] A spirit of camaraderie sprung up amongst men who understood one another's language and had acquired the spurious nationality that comes from servitude in the same land. Their numbers were obvious, the paucity of the native Setians was equally clear, and no military force was close at hand. They planned to increase their following by spreading disaffection amongst the servile populations of the neighbouring country towns, and emissaries were sent to Norba in the North and Circei in the South. Their project was to wait for the rapidly approaching games of the Setian folk and to rush on the unarmed populace as they were gazing at the show; when Setia had been taken, they meant to seize on Norba and Circei. But there was treason in their ranks. The urban praetor was roused before dawn by two slaves who poured the whole tale of the impending massacre into his ear. After a hasty consultation of the senate he rushed to the threatened district, gathering recruits as he swept with his legates through the country side, binding them with the military oath, bidding them arm and follow him with all speed. A hasty force of about two thousand men was soon gathered; none knew his destination till he reached the gates of Setia. The heads of the conspiracy were seized, and such of their followers as learnt the fact fled incontinently from the town. From this point onward it was only a matter of hunting down the refugees by patrols sent round the country districts. Southern Latium was freed from its terror; but it was soon found that the evil had spread almost to the gates of Rome. A rumour had spread that Praeneste was to be seized by its slaves, and it was sufficient to stimulate a praetor to execute nearly five hundred of the supposed delinquents.[2]

Two years later a rising, which almost became a war, shook

[1] Livy (xxxii. 26) speaks of them as *nationis eius*. He has just mentioned the slaves of the Carthaginian hostages. But it does not follow that either class was composed of native Africans. They may have been imported Asiatics, as in Sicily.

[2] Liv. xxxii. 26.

the great plantation lands of Etruria.[1] Its suppression required a legion and a pitched battle. The leaders were crucified; others of the slaves who had escaped the carnage were restored to their masters. But these disturbances, that may have seemed mere sporadic relics of the havoc and exhaustion left by the Hannibalic war, were only quelled for the moment. It was soon found that the seeds of insecurity were deeply planted in the settlement that was called a peace. During the year 185 the shepherds of Apulia were found to have formed a great society of plunder, and robbery with violence was of constant occurrence on the grazing lands and public roads. The praetor who was in command at Tarentum opened a commission which condemned seven thousand men. Many were executed, although a large number of the criminals escaped to other regions.[2]

These movements in Italy were but the symptoms of a spirit that was spreading over the Mediterranean lands. The rising of the serfs only just preceded the great awakening of the masses of the freemen.[3] Both classes were ground down by capital; both would make an effort to shake the burden from their shoulders; and, as regards the methods of assertion, it is a matter of little moment whether they took the form of a national rising against a government or a protectorate, a sanguinary struggle in the Forum against the dominance of a class, or an attack by chattels, not yet brutalised by serfdom but full of the traditions and spirit of freemen, against the cruelty and indifference of their owners. In one sense the servile movements were more universal, and perhaps better organised, than those of the men to whom free birth gave a nominal superiority. A sympathy for each other's sufferings pervaded the units of the class who were scattered in distant lands. Sometimes it was a sympathy based on a sense of nationality, and the Syrian and Cilician in Asia would feel joy and hope stirring in his heart at the doings of his brethren who had been deported to the far West. The series of organised revolts in the Roman provinces and protectorate which commence shortly after the fall of Carthage and close for the moment with the war of resistance to the Romans in Asia, forms a single connected chain. Dangerous risings had to be repressed at the Italian coast towns of Minturnae and Sinuessa;

[1] Liv. xxxiii. 36 Etruriam infestam prope conjuratio servorum fecit.
[2] Liv. xxxix. 29.
[3] Bücher *Die Aufstände der unfreien Arbeiter* p. 34. *Cf.* Soltau in *Kulturgesch. des klass. Altertums* p. 326.

at the former place four hundred and fifty slaves were crucified, at the latter four thousand were crushed by a military force; the mines of Athens, the slave market of Delos, witnessed similar outbreaks,[1] and we shall find a like wave of discontent spreading over the serf populations of the countries of the Mediterranean just before the second great outbreak in Sicily which darkens the close of the second century. The evil fate which made this island the theatre of the two greatest of the servile wars is explicable on many grounds. The opportunity offered by the sense of superiority in numbers was far ampler here than in any area of Italy of equal size. For Sicily was a wheat-growing country, and the cultivated plains demanded a mass of labour which was not needed in more mountainous or less fertile lands, where pasturage yielded a surer return than the tilling of the soil. The pasture lands of Sicily were indeed large, but they had not yet dwarfed the agriculture of the island. The labour of the fields was in the hands of a vast horde of Asiatics, large numbers of whom may conceivably have been shipped from Carthage across the narrow sea, when that great centre of the plantation system had been laid low and the fair estates of the Punic nobles had been seized and broken up by their conquerors.[2] In the history of the great Sicilian outbreaks Syrians and Cilicians meet us at every turn. These Asiatic slaves had different nationalities and they or their fathers had been citizens of widely separated towns. But there were bonds other than a common suffering which produced a keen sense of national union and a consequent feeling of ideal patriotism in the hearts of all. They were the products of the common Hellenism of the East; they or their fathers could make a claim to have been subjects of the great Seleucid monarchy; many, perhaps most of them, could assert freedom by right of birth and acknowledged slavery only as a consequence of the accidents of war or piracy. The mysticism of the Oriental, the political ideal of the Hellene, were interwoven in their moral nature—a nature perhaps twisted by the brutalism of slavery to superstition in the one direction, to licence in the other, but none the less capable of great conceptions and valiant deeds. The moment for both would come when the prophet had appeared, and the prophet would surely show himself when the cup of suffering had overflowed.[3]

[1] Oros. v. 9 Diodor. xxxiv. 2. 19.
[2] Mahaffy *l.c.*
[3] *Cf.* Bücher *op. cit.* p. 79.

The masters who worked this human mechanism were driving it at a pace which must have seemed dangerous to any human being less greedy, vain and confident than themselves. The wealth of these potentates was colossal, but it was equalled by their social rivalry and consequent need of money. A contest in elegance was being fought between the Siceliot and the Italian.[1] The latter was the glass of fashion, and the former attempted to rival, first his habits of domestic life and, as a consequence, the economic methods which rendered these habits possible. Here too, as in Italy, whole gangs of slaves were purchased like cattle or sheep; some were weighed down with fetters, others ground into subordination by the cruel severity of their tasks. All without exception were branded, and men who had been free citizens in their native towns, felt the touch of the burning iron and carried the stigma of slavery to their graves.[2] Food was doled out in miserable quantities,[3] for the shattered instrument could so easily be replaced. On the fields one could see little but abject helplessness, a misery that weakened while it tortured the soul. But in some parts of Sicily bodily want was combined with a wild daring that was fostered by the reckless owners, whose greed had overcome all sense of their own security or that of their fellow-citizens. The treatment of pastoral slaves which had been adopted by the Roman graziers was imitated faithfully by the Italians and Siceliots of the island. These slaves were turned loose with their flocks to find their food and clothing where and how they could. The youngest and stoutest were chosen for this hard, wild life: and their physical vigour was still further increased by their exposure to every kind of weather, by their seldom finding or needing the shelter of a roof, and by the milk and meat which formed their staple food. A band of these men presented a terrifying aspect, suggesting a scattered invasion of some warlike barbarian tribe. Their bodies were clad in the skins of wolves and boars; slung at their sides or poised in their hands were clubs, lances and long shepherds' staves. Each squadron was followed by a pack of large and powerful hounds. Strength, leisure, need, all suggested brigandage as an integral part of their profession. At first they murdered the wayfarer who went alone or with but one companion. Then their courage rose and they concerted nightly

[1] Diod. xxxiv. 2. 27. For the large number of Roman proprietors in Sicily see Florus ii. 7 (iii. 19) 3—(Sicilia) terra frugum ferax et quodam modo suburbana provincia latifundis civium Romanorum tenebatur.

[2] Diod. xxxiv. 2. 32. 36. [3] Diod. *l.c.*

attacks on the villas of the weaker residents. These villas they stormed and plundered, slaying any one who attempted to bar their way. As their impunity increased, Sicily became impracticable to travellers by night, and residence in the country districts became a tempting of providence. There was violence, brigandage or murder on every hand. The governors of Sicily occasionally interposed, but they were almost powerless to check the mischief. The influence of the slave-owners was such that it was dangerous to inflict an adequate punishment.[1]

The proceedings of these militant shepherds must have opened the eyes of the mass of the slaves to the possibilities of the position. Secret meetings began to be held at which the word "revolt" was breathed. An occasion, a leader, a divine sanction were for the moment lacking. The first requisite would follow the other two, and these were soon found combined in the person of Eunus. This man was a Syrian by birth, a native of Apamea, and he served Antigenes of Enna. He was more than a believer in the power of the gods to seize on men and make them the channel of their will; he was a living witness to it in his own person. At first he saw shadows of superhuman form and heard their voices in his dreams. Then there were moments when he would be seized with a trance; he was wrapt in contemplation of some divine being. Then the words of prophecy would come; they were not his utterance but the bidding of the great Syrian goddess. Sometimes the words were preceded by a strange manifestation of supernatural power; smoke, sparks or flame would issue from his open mouth.[2] The clairvoyance may have been a genuine mental experience, the thaumaturgy the type of fiction which the best of *media* may be tempted to employ; but both won belief from his fellows, eager for any light in the darkness, and a laughing acceptance from his master, glad of a novelty that might amuse his leisure. As a matter of fact, Eunus's predictions sometimes came true. People

[1] Diod. xxxiv. 2. 31. This may have been true of the time of which we are speaking; for the influence of the Roman residents in Sicily on the administration of the island must always have been great. But Diodorus assigns an incorrect reason when he states that the Roman knights of Sicily were judges of the governors of the provinces. This is true only of the period preceding the second servile war.

[2] Historians profess to tell the mechanism by which this device was secured. A spark of fire was placed with inflammable material in a hollow nut or some similar small object, which was perforated. The receptacle was placed in the mouth, and judicious breathing did the rest. See Diodorus xxxiv. 2. 7; Florus ii. 7 (iii. 19).

forgot (as people will) the instances of their falsification, but applauded them heartily when they were fulfilled. Eunus was a good enough *medium* to figure at a fashionable *séance*. His latest profession was the promise of a kingdom to himself; it was the Syrian goddess who had held out the golden prospect. The promise he declared boldly to his master, knowing perhaps the spirit in which the message would be received. Antigenes was delighted with his prophet king. He showed him at his own table, and took him to the banquets given by his friends. There Eunus would be questioned about his kingdom, and each of the guests would bespeak his patronage and clemency. His answers as to his future conduct were given without reserve. He promised a policy of mercy, and the quaint earnestness of the imposture would dissolve the company in laughter. Portions of food were handed him from the board, and the donors would ask that he should remember their kindness when he came into his kingdom. These were requests which Eunus did not forget.

With such an influence in its centre, Enna seemed destined to be the spring of the revolt. But there was another reason which rendered it a likely theatre for a deed of daring. The broad plateau on which the town was set was thronged with shepherds in the winter season,[1] and some of the great graziers of Enna owned herds of these bold and lawless men. Conspicuous amongst these graziers for his wealth, his luxury and his cruelty was one Damophilus, the man who had formulated the theory that the shepherd slave should keep himself by robbing others.[2] Damophilus was a Siceliot, but none of the Roman magnates of the island could have shown a grander state than that which he maintained. His finely bred horses, his four-wheeled carriages, his bodyguard of slaves, his beautiful boys, his crowd of parasites, were known all over the broad acres and huge pasture lands which he controlled. His town house and villas displayed chased silverwork, rich carpets of purple dye and a table of royal elegance. He surpassed Roman luxury in the lavishness of his expense, Roman pride in his sense of complete independence of circumstance, and Roman niggardliness and cruelty in his treatment of his slaves. Satiety had begotten a chronic callousness and even savagery that showed itself, not merely in the now familiar use of the *ergastulum* and the brand, but in arbitrary and

[1] Nitzsch *Die Gracchen* p. 228. [2] P. 86.

cruel punishments which were part of the programme of almost every day. His wife Megallis, hardened by the same influences, was the torment of her maidens and of such domestics as were more immediately under her control. The servants of this household had one conviction in common—that nothing worse than their present evils could possibly be their lot.

This is the conviction that inspires acts of frenzy; but the madness of these slaves was of the orderly, systematic and therefore dangerous type. They would not act without a divine sanction to their whispered plans. Some of them approached Eunus and asked him if their enterprise was permitted by the gods. The prophet first produced the usual manifestations which attested his inspiration and then replied that the gods assented, if the plan were taken in hand forthwith. Enna was the destined place; it was the natural stronghold of the whole island; it was foredoomed to be the capital of the new race that would rule over Sicily.[1] Heartened by the belief that Heaven was aiding their efforts, the leaders then set to work. They secretly released such of Damophilus's household as were in bonds; they gathered others together, and soon a band to the number of about four hundred were mustered in a field in the neighbourhood of Enna. There in the early hours of the night they offered a sacrifice and swore their solemn compact. They had gathered everything which could serve as a weapon, and when midnight was approaching they were ready for the first attempt. They marched swiftly to the sleeping town and broke its stillness with their cries of exhortation. Eunus was at their head, fire streaming from his mouth against the darkness of the night. The streets and houses were immediately the scene of a pitiless massacre. The maddened slaves did not even spare the children at the breast; they dragged them from their mothers' arms and dashed them upon the ground. The women were the victims of unspeakable insult and outrage.[2] Every slave had his own wrongs to avenge, for the original assailants had now been joined by a large number of the domestics of the town. Each of these wreaked his own peculiar vengeance and then turned to take his share in the general massacre.

Meanwhile Eunus and his immediate following had learnt news

[1] Diod. xxxiv. 2. 24 *ὑπὸ γὰρ τῆς πεπρωμένης αὐτοῖς κεκυρῶσθαι τὴν πατρίδα τὴν Ενναν, οὖσαν ἀκρόπολιν ὅλης τῆς νήσου.*

[2] *Ibid.* 2. 12 *οὐδ' ἔστιν εἰπεῖν . . . ὅσα ἐνύβριζόν τε καὶ ἐνησέλγαινον.*

of the arch-enemy Damophilus. He was known to be staying in his pleasance near to the city. Thence he and his wife were fetched with every mark of ignominy, and the unhappy pair were dragged into the town with their hands bound behind their backs. The masters of the city now mustered in the theatre for an act of justice; but Damophilus did not lose his wits even when he scanned that sea of hostile faces and accusing eyes. He attempted a defence and was listened to in silence—nay, with approval, for many of his auditors were visibly stirred by his words. But some bolder spirits were tired of the show or fearful of its issue. Hermeias and Zeuxis, two of his bitterest enemies, shouted out that he was an impostor[1] and rushed upon him. One of the two thrust a sword through his side, the other smote his head off with an axe. It was then the women's turn. Megallis's female slaves were given the power to treat her as they would. They first tortured her, then led her up to a high place and dashed her to the ground. Eunus avenged his private wrongs by the death of his own masters, Antigenes and Python. The scene in the theatre had perhaps revealed more than the desire for a systematised revenge. It may have shown that there was some sense of justice, of order in the savage multitude. And indeed vengeance was not wholly indiscriminate. Eunus concealed and sent secretly away the men who had given him meat from their tables.[2] Even the whole house of Damophilus did not perish. There was a daughter, a strange product of such a home, a maiden with a pure simplicity of character and a heart that melted at the sight of pain. She had been used to soothe the anguish of those who had been scourged by her parents and to relieve the necessities of such as were put in bonds. Hence the abounding love felt for her by the slaves, the pity that thrilled them when her home was doomed. An escort was selected to convey her in safety to some relatives at Catana. Its most devoted member was Hermeias,[3] perhaps the very man whose hands were stained by her father's blood.

The next step in the progress of the revolt was to form a political and military organisation that might command the respect of the countless slaves who were soon to break their bonds in the other districts of Sicily. Eunus was elected king. His name became Antiochus, his subjects were "Syrians".[4] It was not the first

[1] πλάνον τε ἀπεκάλουν (Diod. xxxiv. 2. 14).
[2] Diodor. xxxiv. 2. 41.
[3] *Ibid.* 2. 39.
[4] *Ibid.* 2. 24.

time that a slave had assumed the diadem; for was it not being worn for the moment by Diodotus surnamed Tryphon, the guardian and reputed murderer of Alexander of Syria?[1] The elevation of Eunus to the throne was due to no belief in his courage or his generalship. But he was the prophet of the movement, the cause of its inception, and his very name was considered to be of good omen for the harmony of his subjects. When he had bound the diadem on his brow and adopted regal state, he elevated the woman who had been his companion (a Syrian and an Apamean like himself) to the rank of queen. He formed a council of such of his followers as were thought to possess wits above the average, and he set himself to make Enna the adequate centre of a lengthy war. He put to death all his captives in Enna who had no skill in fashioning arms; the residue he put in bonds and set to the task of forging weapons.

Eunus was no warrior, but he had the regal gift of recognising merit. The soul of the military movement which spread from Enna was Achaeus,[2] a man pre-eminent both in counsel and in action,[3] one who did not permit his reason to be mastered by passion and whose anger was chiefly kindled by the foolish atrocities committed by some of his followers.[4] Under such a leader the cause rapidly advanced. The original four hundred had swelled in three days to six thousand; it soon became ten thousand. As Achaeus advanced, the *ergastula* were broken open and each of these prison-houses furnished a new multitude of recruits.[5] Soon a vast addition to the available forces was effected by a movement in another part of the island. In the territory of Agrigentum one Cleon a Cilician suddenly arose as a leader of his fellows. He was sprung from the regions about Mount Taurus and had been habituated from his youth to a life of brigandage. In Sicily he was supposed to be a herdsman of horses. He was also a highwayman who commanded the roads and was believed to have committed murders of varied types. When he heard of the success of Eunus, he deemed that the moment had come for raising a revolt on his own account. He gathered a band of followers, over-

[1] Liv. *Ep.* lv.; App. *Syr.* 68. *Cf.* Nitzsch *Die Gracchen* p. 288.

[2] Diodorus describes him as an Achaean. Mahaffy (*l.c.*) suspects that he came from Eastern Asia Minor or Syria, where Achaeus occurs as a royal name. But the name also occurs in old Greece. One may instance the tragic poet of Eretria.

[3] καὶ βουλῇ καὶ χειρὶ διαφέρων (Diod. xxxiv. 2. 16).

[4] *Ibid.* 2. 42.

[5] Florus ii. 7 (iii. 19). 6.

whelmed the city of Agrigentum and ravaged the surrounding territory.[1]

The terrified Siceliots, and perhaps some of the slaves themselves, believed that this dual movement might ruin the servile cause. There were daily expectations that the armies of Eunus and Cleon would meet in conflict. But such hopes or fears were disappointed. Cleon put himself absolutely under the authority of Eunus and performed the functions of a general to a king. The junction of the forces occurred about thirty days after the outbreak at Enna, and the Cilician brought five thousand men to the royal standard. The full complement of the slaves when first they joined battle with the Roman power amounted to twenty thousand men; before the close of the war their army numbered over sixty thousand.[2]

The Roman government exhibited its usual slowness in realising the gravity of the situation; yet it may be excused for believing that it had only to deal with local tumults such as those which had been so easily suppressed in Italy. The force of eight thousand men which it put into the field under the praetor Lucius Hypsaeus may have seemed more than sufficient. Yet it was routed by the insurgent army, now numbering twenty thousand men, and in the skirmishes which followed the balance of success inclined to the rebels. The immediate progress of the struggle cannot be traced in any detail, but there is a general record of the storming of Roman camps and the flight of Roman generals.[3] The theatre of the war was certainly extending at an alarming rate. The rebels had first controlled the centre and some part of the South Western portion of the island, the region between Enna and Agrigentum; but now they had pushed their conquests up to the East, had reached the coast and had gained possession of Catana and Tauromenium.[4] The devastation of the conquered districts is said to have been more terrible than that which followed on the Punic War.[5] But for this the slaves were not wholly, perhaps not mainly, responsible. The rebel armies, looking to a settlement in the future

[1] Diod. xxxiv. 2. 43. [2] *Ibid.* 2. 18; Florus *l.c.*

[3] Florus ii. 7 (iii. 19). 7 Quin illud quoque ultimum dedecus belli, capta sunt castra praetorum—nec nominare ipsos pudebit—castra Manli Lentuli, Pisonis Hypsaei. Itaque qui per fugitivarios abstrahi debuissent praetorios duces profugos praelio ipsi sequebantur. P. Popillius Laenas, the consul of 132 B.C., was praetor in Sicily either immediately before, or during the revolt (C. I. L. i. n. 551, l. 9).

[4] Strabo vi. 2. 6. For the question whether they held Messana see p. 98.

[5] Florus ii. 7 (iii. 19). 2 Quis crederet Siciliam multo cruentius servili quam Punico bello esse vastatam?

when they should enjoy the fruit of their victories, left the villas standing, their furniture and stores uninjured, and did no harm to the implements of husbandry. It was the free peasantry of Sicily that now showed a savage resentment at the inequality of fortune and of life which severed them from the great landholders. Under pretext of the servile war[1] they sallied out, and not only plundered the goods of the conquered, but even set fire to their villas.

The words of Eunus when, at the beginning of the revolt, he claimed Enna as the metropolis of the new nation,[2] and the conduct of his followers in sparing the grandeur and comfort which had fallen into their hands, are sufficient proofs that the revolted slaves, in spite of their possession of the seaports of Catana and Tauromenium, had no intention of escaping from Sicily. Perhaps even if they had willed it, such a course might have been impossible. They had no fleet of their own; the Cilician pirates off the coast might have refused to accept such dangerous passengers and to imperil their reputation as honest members of the slave trade. And, if the fugitives crossed the sea, what homes had they to which they could return? To their own cities they were dead, and the long arm of Rome stretched over her protectorates in the East.[3]

It was therefore with a power which intended a permanent settlement in Sicily, that the Roman government had to cope. Its sense of the gravity of the situation was seen in the despatch of consular armies. The first under Caius Fulvius Flaccus seems to have effected little.[4] The second under Lucius Calpurnius Piso, the consul of the following year, laid siege to Enna,[5] and captured a stronghold of the rebels. Eight thousand of the slaves were slain

[1] ἐπὶ τῇ προφάσει τῶν δραπετῶν (Diodor. xxxiv. 2. 48). Wallon (*Hist. de l'Esclavage* ii. p. 307) takes these words to mean that the peasantry professed to be marching against the slaves.

[2] P. 93.

[3] Mahaffy (*l.c.*) has raised and discussed this question. His conclusions are (i) that the pirates may have been influenced by a sense of business honour to the effect that the man-stealer should abide by his bargain, (ii) that these pirates may have received some large bribe, direct or indirect, from Rome, (iii) that the natural enmity between the slaves and the pirates may have hindered an agreement for transport, (iv) that the Cilician slaves, accustomed to permanent robber-bands, may have not held it impossible that Rome would acquiesce in such a creation in Sicily, (v) that the Syrian towns would not have troubled about the restoration of such of their members as had become slaves, even had they not feared to offend Rome. He remarks that the return of even free exiles to a Hellenistic city was a cause of great disturbance.

[4] Liv. *Ep.* lvi.; Oros. v. 9.

[5] C. I. L. i. nn. 642, 643.

by the sword, all who could be seized were nailed to the cross.[1] The crowning victories, and the nominal pacification of the island, remained for Piso's successor, Publius Rupilius. He drove the rebels into Tauromenium and sat down before the city until they were reduced to unspeakable straits by famine. The town was at length yielded through treachery; Sarapion a Syrian betrayed the acropolis, and the Roman commander found a multitude of starving men at his mercy. He was pitiless in his use of victory. The captives were first tortured, then taken up to a high place and dashed downwards to the ground. The consul then moved on Enna. The rebels defended their last stronghold with the utmost courage and persistence. Achaeus seems to have already fallen, but the brave Cilician leaders still held out with all the native valour of their race. Cleon made a sortie from the town and fought heroically until he fell covered with wounds. Cleon's brother Coma[2] was captured during the siege and brought before Rupilius, who questioned him about the strength and the plans of the remaining fugitives. He asked for a moment to collect his thoughts, covered his head with his cloak, and died of suffocation, in the hands of his guard and in sight of the general, before a compromising word had passed his lips. King Eunus was not made of such stern stuff. When Enna, impregnable in its natural strength, had been taken by treachery, he fled with his bodyguard of a thousand men to still more precipitous regions. His companions, knowing that it was impossible to escape their fate (for Rupilius was already moving) fell on each others swords. But Eunus could not face this death. He took refuge in a cave, from which he was dragged with the last poor relics of his splendid court—his cook, his baker, his bath attendant and his buffoon. The Romans for some reason spared his life, or at least did not doom him to immediate death. He was kept a prisoner at Morgantia, where he died shortly afterwards of disease.

It is said that by the date of the fall of Enna more than twenty thousand slaves had perished.[3] Even without this slaughter, the capture of their seaport and their armoury would have been suffi-

[1] Oros. v. 9. This *Mamertium oppidum* of Orosius has often been interpreted as Messana (*Mamertinorum oppidum*, Bücher, p. 68); for, although the slaves of this town had not revolted (Oros. v. 6. 4), it might have been captured by the rebels. Schäfer, however (*Jahrb. f. Class. Philol.* 1873 p. 71) explains Mamertium as Morgantia (*Murgentinum oppidum*).

[2] Val. Max. ix. 12 *ext.* 1. Diodorus (xxxiv. 2. 20) calls him Comanus and speaks of his being captured during the siege of Tauromenium.

[3] Oros. v. 9.

cient to break the back of the revolt.[1] It only remained to scour the country with picked bands of soldiers for organised resistance to be shattered, and even for the curse of brigandage to be rooted out for a while. Death was no longer meted out indiscriminately to the rebels. Such of the slave-owners as survived would probably have protested against wholesale crucifixion, and the destruction of all of the fugitives would have impaired the resources of Sicily. Thus many were spared the cross and restored to their bonds.[2] The extent to which reorganisation was needed before the province could resume its normal life, is shown by the fact that the senate thought it worth while to give Sicily a new provincial charter. Ten commissioners were sent to assist Rupilius in the work, which henceforth bore the proconsul's name.[3] The work, as we know it, was of a conservative character; but it is possible that no complete charter had ever existed before, and the war may have revealed defects in the arrangements of Sicily that had heretofore been unsuspected.

A climax of the type of the servile war in Sicily was perhaps needed to bring the social problem home to thinking men in Rome. Not that it by any means sufficed for all who pondered on the public welfare or laboured at the business of the State. The men who measured happiness by wealth and empire might still have retained their unshaken confidence in the Fortune of Rome. Had a Capys of this class arisen, he might have given a thrilling picture of the immediate future of his city, dark but grimly national in its emergence from trial to triumph. He might have seen her conquering arms expanding to the Euphrates and the Rhine, and undreamed sources of wealth pouring their streams into the treasury or the coffers of the great. If there was blood in the picture, when had it been absent from the annals of Rome? Even civil strife and a new Italian war might be a hard but a necessary price to pay for a strong government and a grand mission. If an antiquated constitution disappeared in the course of this glorious expansion, where was the loss?

But there were men in Rome who measured human life by other canons: who believed that the State existed for the individual at least as much as the individual for the State: who, even when they were imperialists, saw with terror the rotten foundations on which

[1] Wallon *Hist. de l'Esclavage* ii. p. 308. [2] Florus ii. 7 (iii. 19). 8.
[3] For the *lex Rupilia* see Cic. *in Verr.* ii. 13. 32; 15. 37; 16. 39; 24. 59.

the empire rested, and with indignation the miserable returns that had been made to the men who had bought it with their blood. To them the brilliant present and the glorious future were veiled by a screen that showed the ghastly spectres of commercial imperialism. It showed luxury running riot amongst a nobility already impoverished and ever more thievishly inclined, a colossal capitalism clutching at the land and stretching out its tentacles for every source of profitable trade, the middle class fleeing from the country districts and ousted from their living in the towns, and the fair island that was almost a part of their Italian home, its garden and its granary, in the throes of a great slave war.

CHAPTER II

A CAUSE never lacks a champion, nor a great cause one whom it may render great. Failure is in itself no sign of lack of spirit and ability, and when a vast reform is the product of a mean personality, the individual becomes glorified by identification with his work. From this point of view it mattered little who undertook the task of the economic regeneration of the Roman world. Any senator of respectable antecedents and moderate ability, who had a stable following amongst the ruling classes, might have succeeded where Tiberius Gracchus failed; it was a task in which authority was of more importance than ability, and the sense that the more numerous or powerful elements of society were united in the demand for reform, of more value than individual genius or honesty of purpose. This was the very circumstance that foreshadowed failure, for the men of wide connections and established fame had shrunk from an enterprise with which they sympathised in various degrees. In the proximate history of the Republic there had been three men who showed an unwavering belief in the Italian farmer and the blessings of agriculture. These were M. Porcius Cato, P. Cornelius Scipio and Ti. Sempronius Gracchus. But the influence of Cato's house had become extinct with its first founder. The elder son, an amiable man and an accomplished jurist, had not out-lived his father; the second still survived, but seems to have inherited little of the fighting qualities of the terrible censor. The traditions of a Roman house needed to be sustained by the efforts of its existing representative, and the "newness" of the Porcii might have necessitated generations of vigorous leaders to make them a power in the land. Scipionic traditions were now represented by Aemilianus, and the glow of the luminary was reflected in paler lights, who received their lustre from moving in that charmed orbit. One of these, the indefatigable henchman Laelius, had risen to the rank of consul, and

stimulated by the vigorous theorisings of his hellenised environment, he contemplated for a moment the formation of a plan which should deal with some of the worst evils of the agrarian question. But he looked at the problem only to start back in affright. The strength and truculency of the vested interests with which he would have to deal were too much for a man whose nerve was weakened by philosophy and experience, and Laelius by his retreat justified, if he did not gain, the soubriquet which proclaimed his "sapience".[1] But why was Scipio himself idle? The answer is to be found both in his temperament and in his circumstances. With all his dash and energy, he was something of a healthy hedonist. As the chase had delighted him in his youth, so did war in his manhood. While hating its cruelties, he gloried in its excitement, and the discipline of the camp was more to his mind than the turbulence of an assembly. His mind, too, belonged to that class which finds it almost impossible to emancipate itself from traditional politics. His vast knowledge of the history of other civilisations may have taught him, as it taught Polybius, that Rome was successful because she was unique.[2] Here there was to be no break with the past, no legislator posing as a demi-god, no obedience to the cries of the masses who, if they once got loose, might turn and rend the enlightened few, and reproduce on Italian soil the shocking scenes of Greek socialistic enterprise. As things were, to be a reformer was to be a partisan, and Scipio loved the prospect of his probable supporters as little as that of his probable opponents. The fact of the Empire, too, must have weighed heavily with a man who was no blind imperialist. Even though economic reform might create an added efficiency in the army, Scipio must have known, as Polybius certainly knew, that soldiers are but pawns in the great game, and that the controlling forces were the wisdom of the conservative senator, the ambition of the wealthy noble, and the capital of the enterprising knight. The wisdom of disturbing their influence, and awakening their resentment, could scarcely appeal to a mind so perfectly balanced and practical as Scipio's. Circumstances, too, must have had their share in determining his quiescence. The Scipios had been a power in Rome in spite of the nobility. They were used because they were

[1] Plut. *Ti. Gracch.* 8. Plutarch speaks of an "attempt" (*ἐπεχείρησε μὲν οὖν τῇ διορθώσει*); but the effort perhaps went no further than the testing of opinion to discover the probability of support. The enterprise may have belonged to the praetorship of Laelius (145 B.C.).

[2] Polyb. vi. 11.

needed, not because they were loved, and the necessary man was never in much favour with the senate. Although there was no tie of blood between Aemilianus and the elder Scipio, they were much alike both in fortune and in temperament. They had both been called upon to save military situations that were thought desperate; their reputation had been made by successful war; and though neither was a mere soldier, they lacked the taste and the patience for the complicated political game, which alone made a man a power amidst the noble circles and their immediate dependants at Rome.

But the last generation had seen in Tiberius Gracchus a man whose political influence had been vast, a noble with but scant respect for the indefeasible rights of the nobility and as stern as Cato in his animadversions on the vices of his order, a man whose greatest successes abroad had been those of diplomacy rather than of war, one who had established firm connections and a living memory of himself both in West and East, whose name was known and loved in Spain, Sardinia, Asia and Egypt. It would have been too much to hope that this honest old aristocrat would attempt to grapple with the evils which had first become manifest during his own long lifetime; but it was not unnatural that people should look to a son of his for succour, especially as this son represented the blood of the Scipios as well as of the Gracchi. The marriage of the elderly Gracchus with the young Cornelia had marked the closing of the feud, personal rather than political, which had long separated him from the elder Scipio: and a further link between the two families was subsequently forged by the marriage of Sempronia, a daughter of Cornelia, to Scipio Aemilianus. The young Tiberius Gracchus may have been born during one of his father's frequent absences on the service of the State.[1] Certainly the elder Gracchus could have seen little of his son during the years of his infancy. But the closing years of the old man's life seem to have been spent uninterruptedly in Italy, and Tiberius must have been profoundly influenced by the genial and stately presence that Rome loved and feared. But he was little more than a boy when his father died, and the early influences that moulded his future career seem to have been due mainly to his mother. Cornelia would have been the typical Roman matron, had she lived a hundred

[1] Nitzsch *Die Gracchen* p. 203.

years earlier; she would then have trained sons for the battlefield, not for the Forum. As it was, the softening influences of Greek culture had tempered without impairing her strength of character, had substituted rational for purely supernatural sanctions, and a wide political outlook for a rude sense of civic duty. Herself the product of an education such as ancient civilisations rarely bestowed upon their women, she wrote and spoke with a purity and grace which led to the belief that her sons had learnt from her lips and from her pen their first lessons in that eloquence which swayed the masses and altered the fortunes of Rome.[1] But her gifts had not impaired her tenderness. Her sons were her "Jewels," and the successive loss of nine of the children which she had borne to Gracchus must have made the three that remained doubly dear. The two boys had a narrow escape from becoming Eastern princes: for the hand of the widow Cornelia was sought in marriage by the King of Egypt.[2] Such an alliance with the representative of the two houses of the Gracchi and the Scipios might easily seem desirable to a protected king, although the attractions of Cornelia may also have influenced his choice. She, however, had no aspirations to share the throne of the Lagidae, and the hellenism of Tiberius and of his younger brother Caius, though deep and far-reaching, was of a kind less violent than would have been gained by transportation to Alexandria. They were trained in rhetoric by Diophanes an exile from Mitylene, and in philosophy by Blossius of Cumae, a stoic of the school of Antipater of Tarsus.[3] Many held the belief that Tiberius was spurred to his political enterprise by the direct exhortation of these teachers; but, even if their influence was not of this definite kind, there can be little doubt that the teaching of the two Greeks exercised a powerful influence on the political cast of his mind. Ideals of Greek liberty, speeches of Greek statesmen who had come forward as champions of the oppressed, stories of social ruin averted by the voice and hand of the heaven-sent legislator, pictures of self-sacrifice and of resigned submission to a standard of duty—these were lessons

[1] Cic. *Brut.* 27. 104 Fuit Gracchus diligentia Corneliae matris a puero doctus et Graecis litteris eruditus. Id. *Ib.* 58. 211 Legimus epistulas Corneliae matris Gracchorum: apparet filios non tam in gremio educatos quam in sermone matris. *Cf.* Quinctil. *Inst. Or.* i. 1. 6; Plut. *Ti. Gracch.* 1.

[2] Plut. *Ti. Gracch.* 1. The King referred to in this story is perhaps Ptolemy Euergetes, who reigned from 146 to 117 B.C.

[3] Plut. *Ti. Gracch.* 8.

that may have been taught both by rhetorician and philosopher. Nor was the teaching of history different. In the literary environment in which the Gracchi moved, ready answers were being given to the most vital questions of politics and social science. Every one must have felt that the approaching struggle had a dual aspect, that it was political as well as social. For social conservatism was entrenched behind a political rampart: and if reform, neglected by the senate, was to come from the people, the question had first to be asked, Had the people a legal right to initiate reform? The historians of that and of the preceding generation would have answered this question unhesitatingly in the affirmative. The *de facto* sovereignty of the senate had not even received a sanction in contemporary literature, while to that of the immediate past it was equally unknown. The Roman annalists from the time of the Second Punic War had revealed the sovereignty of the people as the basis of the Roman constitution,[1] and the history of the long struggle of the Plebs for freedom made the protection of the commons the sole justification of the tribunate. From the lips of Polybius himself Tiberius may have heard the impression which the Roman polity made on the mind of the educated Greek: and the fact that this was a Greek picture did not lessen its validity; for the Greek was moulding the orthodox history of Rome, and the victims of his genius were the best Roman intellects of the day. He might have learnt how in this mixed constitution the people still retained their inalienable rights, how they elected, ratified, and above all how they punished.[2] He might have gathered that the identification of the tribunate with the interests of the nobility was a perversion of its true and vital function: that the tribune exists but to assist the commons and can be subject to no authority but the people's will, whether expressed directly by them or indirectly through his colleagues.[3] The history of the Punic wars did indeed reveal, in the fate of a Varro or a Minucius, how popular insubordination might be punished, when its end was wrong. Polybius's own voice was raised in prophetic warning against a possible demagogy of the future.[4] But that history showed the

[1] Nitzsch *Die Gracchen* pp. 208 foll., 258.

[2] Polyb. vi. 14 *κρίνει μὲν οὖν ὁ δῆμος καὶ διαφόρου* (money penalties) *πολλάκις . . . θανάτου δὲ κρίνει μόνος.*

[3] Polyb. vi. 16 *ὀφείλουσι δ' ἀεὶ ποιεῖν οἱ δήμαρχοι τὸ δοκοῦν τῷ δήμῳ καὶ μάλιστα στοχάζεσθαι τῆς τούτου βουλήσεως.*

[4] Polyb. vi. 57.

healthy discipline of a healthy people—a people that had vanquished genius through subordination, a peasant class whose loyalty and tenacity were as great as those of its leaders, and without whom those leaders would have been helpless. Where was such a class to be found now? Change the subject or turn the page, and the Greek statesman and historian could point to the dreadful reverse of this picture.[1] He could show a Greek nation, gifted with political genius but doomed to political decay—a nation whose sons accumulated money, lived in luxury with little forethought for the future, and refused to beget children for the State: a nation with a wealthy and cultured upper class, but one that was literally perishing for the lack of men.[2] Was this the fate in store for Rome? A temperament that was merely vigorous and keen might not have been affected by such reflections. One that was merely contemplative might have regarded them only as a subject for curious study. But Tiberius's mind ran to neither of these two extremes. He was a thoughtful and sensitive man of action. Sweet in temper, staid in deportment, gentle in language, he attracted from his dependants a loyalty that knew no limits, and from his friends a devotion that did not even shrink from death on his behalf. Even in his pure and polished oratory passion revealed itself chiefly in appeals to pity, not in the harsher forms of invective or of scorn. His mode of life was simple and restrained, but apparently with none of the pedantic austerity of the stoic. In an age that was becoming dissolute and frivolous he was moral and somewhat serious.[3] But his career is not that of the man who burdens society with the impression that he has a solemn mission to perform. Such men are rarely taken as seriously as they take themselves; they do not win aged men of experience to support their cause; the demeanour that wearies their friends is even likely to be found irksome by the mob.

Roman society must have seen much promise in his youth, for honours came early. A seat at the augural board was regarded as a tribute to his merit rather than his birth;[4] and indeed the

[1] Polyb. xxxvii. 4. [2] *Ibid.* [3] Plut. *Ti. Gracch.* 2.

[4] *Ibid.*, 4 οὕτως ἦν περιβόητος ὥστε τῆς τῶν Αὐγούρων λεγομένης ἱερωσύνης ἀξιωθῆναι δι' ἀρετὴν μᾶλλον ἢ διὰ τὴν εὐγένειαν. Tiberius may have filled the place vacated by the death of his father (*circa* 148 B.C.). He would have been barely sixteen; and Plutarch says (*l.c.*) that he had but just emerged from boyhood. Election to the augural college at this time was effected by co-optation. See Underhill *in loc.*

Roman aristocrats, who dispensed such favours, were too clever to be the slaves of a name, when political manipulation was in question and talent might be diverted to the true cause. His marriage was a more important determinant in his career. The bride who was offered him was the daughter of Appius Claudius Pulcher, a man of consular and censorian rank and now Princeps of the senate,[1] a clever representative of that brilliant and eccentric house, that had always kept liberalism alive in Rome. Appius had already displayed some of the restless individuality of his ancestors. When the senate had refused him a triumph after a war with the Salassi, he had celebrated the pageant at his own expense, while his daughter, a vestal, walked beside the car to keep at bay the importunate tribune who attempted to drag him off.[2] A similar unconventionality was manifested in the present betrothal. The story runs that Appius broached the question to Tiberius at an augural banquet. The proposition was readily accepted, and Appius in his joy shouted out the news to his wife as he entered his own front door. The lady was more surprised than annoyed. "What need for all this haste," she said, "unless indeed you have found Tiberius Gracchus for our girl?"[3] Appius, hasty as he was, was probably in this case not the victim of a sudden inspiration. The restless old man doubtless pined for reform; but he was weighed down by years, honours and familiarity with the senate. He could not be the protagonist in the coming struggle; but in Tiberius he saw the man of the future.

The chances of the time favoured a military even more than a political career; the chief spheres of influence were the province and the camp, and it was in these that the earliest distinctions of Tiberius were won. When a lad of fifteen he had followed his brother-in-law Scipio to Africa, and had been the first to mount the walls of Carthage in the vain assault on the fortress of Megara.[4] He had won the approval of the commander by his discipline and courage, and left general regret amongst the army when

[1] Plut. *Ti. Gracch.* 4. [2] Cic. *pro Cael.* 14. 34; Suet. *Tib.* 2.

[3] Plut. *Ti. Gracch.* 4. The story is also told of the betrothal of Cornelia herself to the elder Gracchus (Liv. xxxviii. 57; Val. Max. iv. 2. 3; Gell. xii. 8); but Plutarch records a statement of Polybius that Cornelia was not betrothed until after her father's death, and Livy (*l.c.*) is conscious of this version.

[4] Fannius *ap.* Plut. *Ti. Gracch.* 4 τοῦ γε τείχους ἐπέβη τῶν πολεμίων πρῶτος. As the context seems to show that Tiberius did not remain until the end of the siege, the τεῖχος was probably that of Megara, the suburb of Carthage (Nitzsch *Die Gracchen* p. 244); *cf.* App. *Lib.* 117.

he quitted the camp before the close of the campaign. But an experience as potent for the future as his first taste of war, must have been those hours of leisure spent in Scipio's tent.[1] If contact with the great commander aroused emulation, the talk on political questions of Scipio and his circle must have inspired profound reflection. Here he could find aspirations enough; all that was lacking was a leader to translate them into deeds. The quaestorship, the first round of the higher official ladder, found him attached to the consul Mancinus and destined for the ever-turbulent province of Spain. It was a fortunate chance, for here was the scene of his father's military and diplomatic triumphs. But the sequel was unexpected. He had gone to fulfil the duties of a subordinate; he suddenly found himself performing those of a commander-in-chief or of an accredited representative of the Roman people. The Numantines would treat only with a Gracchus, and the treaty that saved Roman lives but not Roman honour was felt to be really his work. In a moment he was involved in a political question that agitated the whole of Rome. The Numantine treaty was the topic of the day. Was it to be accepted or, if repudiated, should the authors of the disaster, the causes of the breach of faith, be surrendered in time-honoured fashion to the enemy as an expiation for the violated pledge? On the first point there was little hesitation; the senate decided for the nullity of the treaty, and it was likely that this view would be accepted by the people, if the measures against the ratifying officials were not made too stringent. For on this point there was a difference of opinion. The poorer classes, whose sons and brothers had been saved from death or captivity by the treaty, blamed Mancinus as the cause of the disaster, but were grateful to Tiberius as the author of the agreement. Others who had less to lose and could therefore afford to stand on principle, would have enforced the fullest rigour of the ancient rules and have delivered up the quaestor and tribunes with the defaulting general.[2] It was thought that the influence of Scipio, always great with the agricultural voters, might have availed to save even Mancinus, nay that, if he would, he might have got the peace confirmed.[3] But his efforts were believed to have been employed in favour of Tiberius.

[1] Plut. *l.c.*

[2] Plut. *Ti. Gracch.* 7; *cf.* App. *Iber.* 83; Nitzsch *Die Gracchen* p. 280; Long *Decline of Rom. Rep.* i. p. 83.

[3] Plut. *l.c.*

The matter ended in an illogical compromise. The treaty was repudiated, but it was decreed that the general alone should be surrendered.[1] A breach in an ancient rule of religious law had been made in favour of Tiberius.

But, in spite of this mark of popular favour, the experience had been disheartening and its effect was disturbing. Although it is impossible to subscribe to the opinion of later writers, who, looking at the matter from a conservative and therefore unfavourable aspect, saw in this early check the key to Tiberius's future action,[2] yet anger and fear leave their trace even on the best regulated minds. The senate had torn up his treaty and placed him for the moment in personal peril. It was to the people that he owed his salvation. If circumstances were to develop an opposition party in Rome, he was being pushed more and more into its ranks. And a coolness seems to have sprung up at this time between him and the man who had been his great *exemplar*. Tiberius took no counsel of Scipio before embarking on his great enterprise; support and advice were sought elsewhere. He may have already tested Scipio's lack of sympathy with an active propaganda; shame might have kept back the hint of a plan that might seem to imply a claim to leadership. But it is possible that there was some feeling of resentment against the warrior now before Numantia, who had done nothing to save the last Numantine treaty and the honour of the name of Gracchus.

His reticence could scarcely have been due to ignorance of his own designs; for his brother Caius left it on record that it was while journeying northward from Rome on his way to Numantia that Tiberius's eyes were first fully opened to the magnitude of the malady that cried aloud for cure.[3] It was in Etruria, the paradise of the capitalist, that he saw everywhere the imported slave and

[1] Vellei. ii. 1 Mancinum verecundia, poenam non recusando, perduxit huc, ut per fetialis nudus ac post tergam religatis manibus dederetur hostibus. Plut. *Ti. Gracch.* 7 *τὸν μὲν γὰρ ὕπατον ἐψηφίσαντο γυμνὸν καὶ δεδεμένον παραδοῦναι τοῖς Νομαντίνοις, τῶν δ' ἄλλων ἐφείσαντο πάντων διὰ Τιβέριον. Cf.* Cic. *de Off.* iii. 30. 109.

[2] Cic. *Brut.* 27. 103 (Ti. Gracchus) propter turbulentissimum tribunatum, ad quem ex invidia foederis Numantini bonis iratus accesserat, ab ipsa re publica est interfectus. Id. *de Har. Resp.* 20. 43 Ti. Graccho invidia Numantini foederis, cui feriendo, quaestor C. Mancini consulis cum esset, interfuerat, et in eo foedere improbando senatus severitas dolori et timori fuit, eaque res illum fortem et clarum virum a gravitate patrum desciscere coegit. The same motive is suggested by Vellei. ii. 2; Quinctil. *Inst. Or.* vii. 4. 13; Dio Cass. *frg.* 82; Oros. v. 8. 3; Florus ii. 2 (iii. 14).

[3] Plut. *Ti. Gracch.* 8.

the barbarian who had replaced the freeman. It was this sight that first suggested something like a definite scheme. A further stimulus was soon to be found in scraps of anonymous writing, which appeared on porches, walls and monuments, praying for his succour and entreating that the public land should be recovered for the poor.[1] The voiceless Roman people was seeking its only mode of utterance, a tribune who should be what the tribune had been of old, the servant of the many not the creature of the few. To Gracchus's mother his plans could hardly have been veiled. She is even said to have stimulated a vague craving for action by the playful remark that she was still known as the mother-in-law of Scipio, not as the mother of the Gracchi.[1]

But there was need of serious counsel. Gracchus did not mean to be a mere demagogue, coming before the people with a half-formed plan and stirring up an agitation which could end merely in some idle resolution. There were few to whom he could look for advice, but those few were of the best. Three venerable men, whose deeds and standing were even greater than their names, were ready with their support. There was the chief pontiff, P. Licinius Crassus Mucianus, the man who was said to combine in a supreme degree the four great blessings of wealth, birth, eloquence and legal lore;[2] there was the brother of Crassus, P. Mucius Scaevola,[3] the greatest lawyer of his age and already destined to the consulship for the following year; lastly there was Tiberius's father-in-law, the restless Appius, now eagerly awaiting the fulfilment of a cherished scheme by the man of his own choice.[4]

Thus fortified, Tiberius Gracchus entered on his tribunate, and formulated the measure which was to leave large portions of the public domain open for distribution to the poor. In the popular gatherings with which he opened his campaign, he dwelt on the nature of the evils which he proposed to remedy. It was the interest of Italy, not merely of the Roman proletariate, that was at stake.[5]

[1] Plut. *l.c.*

[2] Gell. i. 13. 10 Is Crassus a Sempronio Asellione et plerisque aliis historiae Romanae scriptoribus traditur habuisse quinque rerum bonarum maxima et praecipua: quod esset ditissimus, quod nobilissimus, quod eloquentissimus, quod jurisconsultissimus, quod pontifex maximus.

[3] Cic. *Acad. Prior.* ii. 5. 13 Duo . . . sapientissimos et clarissimos fratres, P. Crassum et P. Scaevolam, aiunt Ti. Graccho auctores legum fuisse, alterum quidem, ut videmus, palam; alterum, ut suspicantur, obscurius.

[4] Plut. *Ti. Gracch.* 9.

[5] App. *Bell. Civ.* i. 9 ἐσεμνολόγησε περὶ τοῦ Ἰταλικοῦ γένους. The expression suggests the further question whether Gracchus intended Italians, as well as

He pointed out how the Italian peasantry had dwindled in numbers, and how that portion of it which still survived had been reduced to a poverty that was irremediable by their own efforts. He showed that the slave gangs which worked the vast estates were a menace, not a help, to Rome. They could not be enlisted for service in the legions; their disaffection to their masters was notorious; their danger was being proved even now by the horrible condition of Sicily, the fate of its slave-owning landlords, the long, difficult and eventful war which had not even yet been brought to a close.[1] Sometimes the language of passion replaced that of reason in his harangues to the crowds that pressed round the Rostra. "The beasts that prowl about Italy have holes and lurking-places where they may make their beds. You who fight and die for Italy enjoy but the blessings of air and light. These alone are your heritage. Homeless, unsettled, you wander to and fro with your wives and children. Our generals are in the habit of inspiring their soldiers to the combat by exhorting them to repel the enemy in defence of their tombs and ancestral shrines. The appeal is idle and false. You cannot point to a paternal altar, you have no ancestral tomb. No! you fight and die to give wealth and luxury to others. You are called the masters of the world; yet there is no clod of earth that you can call your own."[2]

The proposal, which was ushered in by these stirring appeals, seemed at first sight to be of a moderate and somewhat conservative character. It professed to be the renewal of an older law, which had limited the amount of domain land which an individual might possess to five hundred *jugera*;[3] it professed, that is, to reinforce an injunction which had been persistently disobeyed, for this enactment restricting possession had never been repealed. The extent to which a proposal of this kind is a re-enactment, in the spirit as well as in the letter, depends entirely on the length of time which has elapsed since the original proposal has begun to be violated. A political society, which recognises custom as one of the bases of law, must recognise desuetude as equally valid. A law, which has not been enforced for centuries, would, by the common

Romans, to benefit by his law. On this question see p. 115. But, whatever our opinion on this point, the widening of the issue by an appeal to Italian interests was natural, if not inevitable.

[1] App. *l.c.* [2] Plut. *Ti. Gracch.* 9.
[3] App. *Bell. Civ.* i. 9; *cf.* Plut. *Ti. Gracch.* 8.

consent of the courts of such nations as favour progressive legislation, be regarded as no law at all. Again, the age of an ordinance determines its suitability to present conditions. It may be justifiable to revive an enactment that is centuries old; but the revival should not necessarily dignify itself with that name. It must be regarded as a new departure, unless the circumstances of the old and the new enactment can be proved to be approximately the same. Our attempts to judge the Gracchan law by these considerations are baffled by our ignorance of the real date of the previous enactment, the stringency of whose measures he wished to renew. If it was the Licinian law of the middle of the fourth century,[1] this law must have been renewed, or must still have continued to be observed, at a period not very long anterior to the Gracchan proposal; for Cato could point his argument against the declaration of war with Rhodes by an appeal to a provision attributed to this measure[2]—an appeal which would have been pointless, had the provision fallen into that oblivion which persistent neglect of an enactment must bring to all but the professed students of law. We can at least assert that the charge against Gracchus of reviving an enactment so hoary with age as to be absurdly obsolete, is not one of the charges to be found even in those literary records which were most unfriendly to his legislation.[3]

The general principle of the measure was, therefore, the limitation to five hundred *jugera* of the amount of public land that could be "possessed" by an individual. The very definition of the tenure immediately exempted large portions of the State's domain from the operation of this rule.[4] The Campanian land was leased by the State to individuals, not merely possessed by them as the result of an occupation permitted by the government; it, therefore, fell

[1] The most respectable of the authorities for the Licinian law having dealt with the land question is Varro (*R. R.* i. 2. 9 Stolonis illa lex, quae vetat plus D jugera habere civem R). A similar account is found in many other authors (Liv. vi. 35; Vellei. ii. 6; Plut. *Cam.* 39; Gell. vi. 3. 40; Val. Max. viii. 6. 3). A variant in the maximum amount permitted to a single holder is given by [Victor] *de Vir. Ill.* 20 [(Licinius Stolo) legem scivit, ne cui plebeio plus centum jugera agri habere liceret]; or the word "plebeio," if not a mistake, may suggest another clause in the supposed law.

[2] Cato *ap.* Gell. vi. (vii.) 3. 37. Cato asks whether any enactment punishes *intent* (for the Rhodians were charged with having *intended* hostility to Rome), and points his argument by the following *reductio ad absurdum* of legislation conceived in this spirit, Si quis plus quingenta jugera habere voluerit, tanta poena esto: si quis majorem pecuum numerum habere voluerit, tantum damnas esto.

[3] On this subject see Niese *Das sogenannte Licinisch-sextische Ackergesetz* (Hermes xxiii. 1888), Soltau *Das Aechtheit des licinischen Ackergesetzes von* 367 v. Chr. (Hermes xxx. 1895).

[4] Mommsen in C. I. L. i. pp. 75 ff.

outside the scope of the measure;[1] but, as it was technically public land and its ownership was vested in the State, it would have been hazardous to presume its exemption; it seems, therefore, to have been specifically excluded from the operation of the bill, and a similar exception was probably made in favour of many other tracts of territory held under a similar tenure.[2] Either Gracchus declined to touch any interest that could properly describe itself as "vested," even though it took merely the form of a leasehold, or he valued the secure and abundant revenue which flowed into the coffers of the State from these domains. There were other lands strictly "public" where the claim of the holders was still stronger, and where dispossession without the fullest compensation must have been regarded as mere robbery. We know from later legislation that respect was had to such lands as the Trientabula, estates which had been granted by the Roman government at a quit rent to its creditors, as security for that portion of a national debt which had never been repaid. It is less certain what happened in the case of lands of which the usufruct alone had been granted to communities of Roman citizens or Latin colonists. Ownership in this case still remained vested in the Roman people, and if the right of usufruct had been granted by law, it could be removed by law. In the case of Latin communities, however, it was probably guaranteed by treaty, which no mere law could touch: and so similar were the conditions of Roman and Latin communities in this particular, that it is probable that the land whose use was conferred on whole communities by these ancient grants, was wholly spared by the Gracchan legislation. In the case of those commons which were possessed by groups of villagers for the purposes of pasturage (*ager compascuus*),[3] it is not likely that the group was regarded as the unit: and therefore, even in the case of such an aggregate possessing over five hundred *jugera*, their occupation was probably left undisturbed.

[1] Cic. *de Leg. Agr.* ii. 29. 81 Nec duo Gracchi, qui de plebis Romanae commodis plurimum cogitaverunt, nec L. Sulla . . . agrum Campanum attingere ausus est. *Cf.* i. 7. 21.

[2] Exemptions were specified in the agrarian law of C. Gracchus, which must have appeared in that of his elder brother. They are noticed in the extant *Lex agraria* (C. I. L. 1. n. 200; Bruns *Fontes* 1. 3. 11) l. 6 Extra eum agrum, quei ager ex] lege plebive scito, quod C. Sempronius Ti. f. tr. pl. rog(avit), exceptum cavitumve est nei divideretur. . . . The law of C. Gracchus is here mentioned as being the later enactment. Cicero, when he writes (*ad Att.* 1. 19. 4) of his own attitude to the Flavian agrarian law of 60 B.C. Liberabam agrum eum, qui P. Mucio L. Calpurnio consulibus publicus fuisset, is probably referring to land that, public in 133 B.C., still remained public in his own day.

[3] See Voigt *Über die staatsrechtliche Possessio und den Ager Compascuus* p. 229.

All other possessors must vacate the land which exceeded the prescribed limit. Such an ordinance would have been harsh, had no compensation been allowed, and Gracchus proposed certain amends for the loss sustained. In the first place, the five hundred *jugera* retained by each possessor were to be increased by half as much again for each son that he might possess: although it seems that the amount retained was not to exceed one thousand *jugera*.[1] Secondly, the land so secured to existing possessors was not to be held on a merely precarious tenure, and was not to be burdened by the payment of dues to the State; even if ownership was not vested in its holders, they were guaranteed gratuitous undisturbed possession in perpetuity.[2] Thirdly, the bill as originally drafted even suggested some monetary compensation for the land surrendered.[3] This compensation was probably based on a valuation of stock, buildings, and recent permanent improvements, which were to be found on the territory now reverting to the State. It must have applied for the most part only to arable land, and practically amounted to a purchase by the State of items to which it could lay no legal claim; for it was the soil alone, not the buildings on the soil, over which its lordship could properly be asserted.

The object of reclaiming the public land was its future distribution amongst needy citizens. This distribution might have taken either of two forms. Fresh colonies might have been planted, or the acquired land might merely be assigned to settlers who were to belong to the existing political organisations. It was the latter method of simple assignation that Gracchus chose. There was felt to be no particular need for new political creations; for the pacification of Italy seemed to be accomplished, and the new farming class would perform their duty to the State equally well as members of the territory of Rome or of that of the existing municipia and

[1] App. *Bell. Civ.* I. 9 ἀνεκαίνιζε τὸν νόμον μηδένα τῶν πεντακοσίων πλέθρων πλέον ἔχειν, παισὶ δ' αὐτῶν ὑπὲρ τὸν παλαιὸν νόμον προσετίθει τὰ ἡμίσεα τούτων. Liv. *Ep.* lviii Ne quis ex publico agro plus quam mille jugera possideret, *cf.* [Victor] *de Vir. Ill.* 64. The conclusion stated in the text, which is gained by a combination of these passages, is, however, somewhat hazardous.

[2] App. *Bell. Civ.* I. 11 ἐκέλευε τοὺς πλουσίους . . . μὴ, ἐν ᾧ περὶ μικρῶν διαφέρονται, τῶν πλεόνων ὑπεριδεῖν, μισθὸν ἅμα τῆς πεπονημένης ἐξεργασίας αὐτάρκη φερομένους τὴν ἑξαίρετον ἀνεὺ τιμῆς κτῆσιν ἐς ἀεὶ βέβαιον ἑκάστῳ πεντακοσίων πλέθρων, καὶ παισίν, οἷς εἰσὶ παῖδες, ἑκάστῳ καὶ τούτων τὰ ἡμίσεα. If ἀνεὺ τιμῆς means "without paying for it," the phrase has no relation to the τιμή mentioned by Plutarch (see the next note) which was a valuation to be *received* by the dispossessed. It can scarcely mean "without further compensation"; but, if interpreted in this way, the two accounts can be brought into some relation with each other.

[3] Plut. *Ti. Gracch.* 9 ἐκέλευσε τιμὴν προσλαμβάνοντας ἐκβαίνειν ὧν ἀδίκως ἐκέκτηντο.

coloniae of Roman citizens. There is some evidence that the new proprietors were not all to be attached to the city of Rome itself, but that many, perhaps most, were to be attributed to the existing colonies and municipia, in the neighbourhood of which their allotments lay.[1] The size of the new allotments which Gracchus projected is not known; it probably varied with the needs and status of the occupier, perhaps with the quality of the land, and there is some indication that the maximum was fixed at thirty *jugera*.[2] This is an amount that compares favourably with the two, three, seven or ten *jugera* of similar assignments in earlier times, and is at once a proof of the decrease in the value of land—a decrease which had contributed to the formation of the large estates—and of the large amount of territory which was expected to be reclaimed by the provisions of the new measure. The allotments thus assigned were not, however, to be the freehold property of their recipients. They were, indeed, heritable and to be held on a perfectly secure tenure by the assignees and their descendants; but a revenue was to be paid to the State for their use: and they were to be inalienable—the latter provision being a desperate expedient to check the land-hunger of the capitalist, and to save the new settlers from obedience to the economic tendencies of the times.[3]

It is doubtful whether the social object of Gracchus could have been fully accomplished, had he confined his attention wholly to the existing citizens of Rome. The area of economic distress was wider than the citizen body, and it was the salvation of Italy as a whole that Gracchus had at heart.[4] There is much reason for supposing that some of the Italian allies were to be recipients of the benefits of the measure.[5] In earlier assignations the Latins had not been excluded, and it is probable that at least these, whether members of old communities or of colonies, were intended to have some share in the distribution. There could be no legal hindrance to such participation. With respect to rights in land, the Latins were already on a level with Roman citizens, and their exclusion from the new allotments would have been due to a mere political prejudice which is not characteristic either of Gracchus or his plans.

[1] Siculus Flaccus (p. 136 Lachm.); *cf.* Mommsen *l.c.*

[2] There is a reference to this limit in the extant *Lex Agraria* (C. I. L. i. n. 200; Bruns *Fontes* i. 3. 11) l. 14 Sei quis] . . . agri jugra non amplius xxx possidebit habebitve, but there is no direct evidence to connect it with the Gracchan legislation.

[3] App. *Bell. Civ.* i. 10. [4] *Cf.* p. 110. [5] Mommsen *l.c.*

The ineffectiveness of laws at Rome was due chiefly to the apathy of the executive authority. Gracchus saw clearly that his measure would, like other social efforts of the past, become a mere pious resolution, if its execution were entrusted to the ordinary officials of the State.[1] But a special commission, which should effectually carry out the work which he contemplated, must be of a very unusual kind. The magnitude of the task, and the impossibility of assigning any precise limit of time to its completion, made it essential that the Triumvirate which he established should bear the appearance of a regular but extraordinary magistracy of the State. The three commissioners created by the bill were to be elected annually by the Comitia of the Tribes.[2] Re-election of the same individuals was possible, and the new magistracy was to come to an end only with the completion of its work. Its occupants, perhaps, possessed the Imperium from the date of the first institution of the office; they certainly exercised it from the moment when, as we shall see, their functions of assignment were supplemented by the addition of judicial powers. Gracchus was doubtless led to this new creation purely by the needs of his measure; but he showed to later politicians the possibility of creating a new and powerful magistracy under the guise of an agrarian law.

Such was the measure that seemed to its proposer a reasonable and equitable means of remedying a grave injustice and restoring rather than giving rights to the poor. He might, if he would, have insisted on simple restitution. Had he pressed the letter of the law, not an atom of the public domain need have been left to its present occupiers. The possessor had no rights against the State; he held on sufferance, and technically he might be supposed to be always waiting for his summons to ejectment. To give such people something over and above the limit that the laws had so long prescribed, to give them further a security of tenure for the land

[1] App. *Bell. Civ.* i. 10.

[2] Cic. *de Leg. Agr.* ii. 12. 31 Audes etiam, Rulle, mentionem facere legis Semproniae, nec te ea lex ipsa commonet III viros illos XXXV tribuum suffragio creatos esse? App. *Bell. Civ.* i. 9 προσετίθει . . . τὴν λοιπὴν τρεῖς αἱρετοὺς ἄνδρας, ἐναλλασσομένους κατ' ἔτος, διανέμειν τοῖς πένησιν. Strachan-Davidson (*in loc.*) doubts this latter characteristic of the magistracy. The history of the land-commission proves at least that the occupants of the post were perpetually re-eligible and could be chosen in their absence. Thus Gracchus, in spite of his two years' quaestorship in Sardinia, was still a commissioner in 124 B.C. (App. *Bell. Civ.* i. 21). See Mommsen *Staatsr.* ii. 1. p. 632. The electing body was doubtless the *plebeian* assembly of the tribes under the guidance of a tribune. This was the mode prescribed by Rullus's law of 63 B.C. (Cic. *de Leg. Agr.* ii. 7. 16).

retained which amounted almost to complete ownership—were not these unexpected concessions that should be received with gratitude? And even up to the eve of the polling the murmurs of the opposition were sometimes met by appeals to its nobler sentiments. The rich, said Gracchus, if they had the interests of Italy, its future hopes and its unborn generations at heart, should make this land a free gift to the State; they were vexing themselves about small issues and refusing to face the greater problems of the day.[1]

But personal interests can never seem small, and the average man is more concerned with the present than with the future. The opposition was growing in volume day by day, and the murmurs were rising into shrieks. The class immediately threatened must have been numerically small; but they made up in combination and influence what they lacked in numbers. It was always easy to startle the solid commercial world of Rome by the cry of "confiscation". A movement in this direction might have no limits; the socialistic device of a "re-division of land," which had so often thrown the Greek commonwealths into a ferment, was being imported into Roman politics. All the forces of respectability should be allied against this sinister innovation. It is probable that many who propagated these views honestly believed that they exactly fitted the facts of the case. The possessors did indeed know that they were not owners. They were reminded of the fact whenever they purchased the right of occupation from a previous possessor, for such a title could not pass by mancipation; or whenever they sued for the recovery of an estate from which they had been ejected, for they could not make the plea before the praetor that the land was theirs "according to the right of the Quirites," but could rely only on the equitable assistance of the magistrate tendered through the use of the possessory interdicts; or, more frequently still, whenever they paid their dues to the Publicanus, that disinterested middle-man, who had no object in compromising with the possessors, and could seldom have allowed an acre of land to escape his watchful eye. But, in spite of these reminders, there was an impression that the tenure was perfectly secure, and that the State would never again re-assert its lordship in the extreme form of dispensing entirely with its clients. Gracchus might talk of compensation, but was there any guarantee that it would be adequate, and, even supposing

[1] App. *Bell. Civ.* i. 11.

material compensation to be possible, what solace was that to outraged feelings? Ancestral homes, and even ancestral tombs, were not grouped on one part of a domain, so that they could be saved by an owner when he retained his five hundred *jugera;* they were scattered all over the broad acres. Estates that technically belonged to a single man, and were therefore subject to the operation of the law, had practically ceased to confer any benefit on the owner, and were pledged to other purposes. They had been divided as the *peculia* of his sons, they had been promised as the dowry of his daughters. Again those former laws may have rightly forbidden the occupation of more than a certain proportion of land; but much of the soil now in possession had not been occupied by its present inhabitant; he had bought the right to be there in hard cash from the former tenant. And think of the invested capital! Dowries had been swallowed up in the soil, and the Gracchan law was confiscating personal as well as real property, taking the wife's fortune as well as the husband's. Nay, if the history of the public land were traced, could it not be shown that such value as it now possessed had been given it by its occupiers or their ancestors? The land was not assigned in early times, simply because it was not worth assignation. It was land that had been reclaimed for use, and of this use the authors of its value were now to be deprived.[1]

Such was the plaint of the land-holders, one not devoid of equity and, therefore, awakening a response in the minds of timid and sober business men, who were as yet unaffected by the danger. But some of these found their own personal interests at stake. So good had the tenure seemed, that it had been accepted as security for debt,[2] and the Gracchan attack united for once the usually hostile ranks of mortgagers and mortgagees. The alarm spread from Rome to the outlying municipalities.[3] Even in the city itself a very imperfect view of the scope of the bill was probably taken by

[1] *Cf.* App. *Bell. Civ.* i. 10.

[2] App. *l.c.* δανεισταί τε χρέα καὶ ταύτης ἐπεδείκνυον.

[3] App. *l.c.* πλῆθος ἄλλο ὅσον ἐν ταῖς ἀποίκοις πόλεσιν ἢ ταῖς ἰσοπολίτισιν ἢ ἄλλως ἐκοινώνει τῆσδε τῆς γῆς, δεδιότες ὁμοίως ἐπῆεσαν καὶ ἐς ἑκατέρους αὐτῶν διεμερίζοντο. ἰσοπολίτιδες would naturally be the *municipia* (*cf. Lex. Agraria* l. 31); but Strachan-Davidson (*in loc.*) thinks that the *civitates foederatae* are here intended. There is a possibility that Appian has used the term vaguely: but there is no real difficulty in conceiving the *municipia* to be meant. Even the majority, that had received Roman citizenship, still continued to bear the name, and they may have continued to enjoy municipal rights in public land. The wealthier classes in these towns were therefore alarmed; the poorer classes (possessed of Roman citizenship) hoped for a share in the assignment.

the proletariate. We may imagine the distorted form in which it reached the ears of the occupants of the country towns. "Was it true that the land which had been given them in usufruct was to be taken away?" was the type of question asked in the municipia and in the colonies, whether Roman or Latin. The needier members of these towns received the news with very different feelings. They had every chance of sharing in the local division of the spoils, and their voices swelled the chorus of approval with which the poorer classes everywhere received the Gracchan law. Amidst this proletariate certain catch-words—well-remembered fragments of Gracchus's speeches—had begun to be the familiar currency of the day. "The numberless campaigns through which this land has been won," "The iniquity of exclusion from what is really the property of the State," "The disgrace of employing the treacherous slave in place of the free-born citizen"—such was the type of remark with which the Roman working-man or idler now entertained his fellow. All Roman Italy was in a blaze, and there must have been a sense of insecurity and anxiety even in those allied towns whose interest in Roman domain-land was remote. Might not State interests be as lightly violated as individual interests by a sovereign people: and was not the example of Rome almost as perilous as her action?

The opponents of Gracchus had no illusions as to the numerical strength which he could summon to his aid. If the battle were fought to a finish in the Comitia, there could be no doubt as to his triumphant victory. Open opposition could serve no purpose except to show what a remnant it was that was opposing the people's wishes. But there was a means of at least delaying the danger, of staving off the attack as long as Gracchus remained tribune, perhaps of giving the people an opportunity of recovering completely from their delirium. When the college of tribunes moved as a united body, its force was irresistible; but now, as often before, there was some division in its ranks. It was not likely that ten men, drawn from the order of the nobility, should view with equal favour such a radical proposal as that of Tiberius Gracchus. But the popular feeling was so strong that for a time even the unsympathetic members of the board hesitated to protest, and no colleague of Tiberius is known to have opposed the movement in its initial stages. Even the man who was subsequently won over to the capitalist interest hesitated long before taking

the formidable step. It was believed, however, that the hesitancy of Marcus Octavius was due more to his personal regard for Tiberius than to respect for the people's wishes.[1] The tribune who was to scotch the obnoxious measure was an excellent instrument for a dignified opposition. He was grave and discreet, a personal friend and intimate of Tiberius.[2] It is true that he was a large holder on the public domain, and that he would suffer by the operation of the new agrarian law. But it was fitting that the landlord class should be represented by a landlord, and, if there had been the least suspicion of sordid motives, it would have been removed by Octavius's refusal to accept private compensation for himself from the slender means of Tiberius Gracchus.[2] The offer itself reads like an insult, but it was probably made in a moment of passionate and unreflecting fervour. Neither the profferer nor the refuser could have regarded it in the light of a bribe. Even when the veto had been pronounced, the daily contest between the two tribunes in the Forum never became a scene of unseemly recrimination. The war of words revolved round the question of principle. Both disputants were at white heat; yet not a word was said by either which conveyed a reflection on character or motive.[3]

These debates followed the first abortive meeting of the Assembly. As the decisive moment approached, streams of country folk had poured into Rome to register their votes in favour of the measure.[4] The Contio had given way to the Comitia, the people had been ready to divide, and Gracchus had ordered his scribe to read aloud the words of the bill. Octavius had bidden the scribe to be silent;[5] the vast meeting had melted away, and all the labours of the reformer seemed to have been in vain. To accept a temporary defeat under such circumstances was in accordance with the constitutional spirit of the times. The veto was a mode of encouraging reflection; it might yield to a prolonged campaign, but it was regarded as a barrier against a hasty popular impulse which, if unchecked, might prove ruinous to some portion of the community. Gracchus, however, knew perfectly well that it was now being used in the interest of a small minority, and he held the

[1] Plut. *Ti. Gracch.* 10. [2] Plut. *l.c.*

[3] Plut. *l.c.* *οὐδὲν εἰπεῖν λέγονται περὶ ἀλλήλων φλαυρόν, οὐδὲ ῥῆμα προσπεσεῖν θατέρου πρὸς τὸν ἕτερον δι' ὀργὴν ἀνεπιτήδειον.*

[4] Diod. xxxiv. 6 *συνέρρεον εἰς τὴν Ῥώμην οἱ ὄχλοι ἀπὸ τῆς χώρας ὡσπερεὶ ποταμοί τινες εἰς τὴν πάντα δυναμένην δέχεσθαι θάλατταν.*

[5] App. *Bell. Civ.* i. 12.

rights which it protected to be non-existent; he believed the question of agrarian reform to be bound up with his own personality, and its postponement to be equivalent to its extinction; he had no intention of allowing his own political life to be a failure, and, instead of discarding his weapons of attack, he made them more formidable than before. Perhaps in obedience to popular outcries, he redrafted his bill in a form which rendered it more drastic and less equitable.[1] It is possible that some of the *douceurs* given to the possessors by his original proposal were not really in accordance with his own judgment. They were meant to disarm opposition. Now that opposition had not been disarmed, they could be removed without danger. The stricter measure had the same chance of success or failure as the less severe. We do not know the nature of the changes which were now introduced; but it is possible that the pecuniary compensation offered for improvements on the land to be resumed was either abolished or rendered less adequate than before.

But even the form of the law was unimportant in comparison with the question of the method by which the new opposition was to be met. The veto, if persisted in by Octavius, would suspend the agrarian measure during the whole of Tiberius's year of office. It could only be countered by a device which would make government so impossible that the opposition would be forced to come to terms. The means were to be found in the prohibitive power of the tribunes, that right, which flowed from their *major potestas*, of forbidding under threat of penalties the action of all other magistrates. It was now rarely used except at the bidding of the senate and for certain specified purposes. It had become, in fact, little more than the means of enforcing obedience to a temporary suspension of business life decreed by the government. But recent events suggested a train of associations that brought back to mind the great political struggles of the past, and recalled the mode in which Licinius and Sextius had for five years sustained their anarchical edict for the purpose of the emancipation of the Plebs. The difference between the conditions of life in primitive Rome

[1] Plut. *Ti. Gracch.* 10 *παροξυνθεὶς ὁ Τιβέριος τὸν μὲν φιλάνθρωπον ἐπανείλετο νόμον, τὸν δ' ἡδίω τε τοῖς πολλοῖς καὶ σφοδρότερον ἐπὶ τοὺς ἀδικοῦντας εἰσέφερεν ἤδη, κελεύων ἐξίστασθαι τῆς χώρας ἣν ἐκέκτηντο παρὰ τοὺς προτέρους νόμους.* Plutarch is apparently thinking of the abolition of what he calls the *τιμή* (c.9.); but his words do not necessarily imply that the original concessions mentioned by Appian (p. 114) were removed.

and in the cosmopolitan capital of to-day did not appeal to Tiberius. The Justitium was as legitimate a method of political warfare as the Intercessio. He issued an edict which forbade all the other magistracies to perform their official functions until the voting on the agrarian law should be carried through; he placed his own seals on the doors of the temple of Saturn to prevent the quaestors from making payments to the treasury or withdrawing money from it; he forbade the praetors to sit in the courts of justice and announced that he would exact a fine from those who disobeyed. The magistrates obeyed the edict, and most of the active life of the State was in suspense.[1] The fact of their obedience showed the overwhelming power which Tiberius now had behind him; for an ill-supported tribune, who adopted such an obsolete method of warfare, would have been unable to enforce his decrees and would merely have appeared ridiculous. The opponents of the law were now genuinely alarmed. Those who would be the chief sufferers put on garments of mourning, and paced the silent Forum with gloom and despair written on their faces, as though they were the innocent victims of a great wrong. But, while they took this overt means of stirring the commiseration of the crowd, it was whispered that the last treacherous device for averting the danger was being tried. The cause would perish with the demagogue, and Tiberius might be secretly removed. Confidence in this view was strengthened when it was known that the tribune carried a dagger concealed about his person.[2]

An attempt was now made to discover whether the pressure had been sufficient and whether the veto would be repeated. Gracchus again summoned the assembly, the reading of the bill was again commenced and again stopped at the instance of Octavius.[3] This second disappointment nearly led to open riot. The vast crowd did not immediately disperse; it felt its great physical strength and the utter weakness of the regular organs of government. There were ominous signs of an appeal to force, when two men of consular rank, Manlius and Fulvius,[4] intervened as peacemakers. They threw themselves at the feet of

[1] Plut. *Ti. Gracch.* 10.

[2] Plut. *l.c.*

[3] App. *Bell. Civ.* 1. 12. Plutarch (*Ti. Gracch.* 11) preserves a tradition that the meeting was practically broken up by the adherents of the *possessores* who, to prevent the passing of an illegal decree, carried off the voting urns.

[4] Μάλλιος καὶ Φούλβιος (Plut. *Ti. Gracch.* 11). Schäfer (*Jahrb. f. Class. Philol.* 1873 p. 71) thinks that the first name is a mistake for that of Manilius the jurist, consul in 149 B.C., and that the second refers to Ser. Fulvius Flaccus, consul in 135 B.C.

Tiberius, they clasped his hands, they besought him with tears to pause before he committed himself to an act of violence. Tiberius was not insensible to the appeal. The immediate future was dark enough, and the entreaties of these revered men had saved an awkward situation. He asked them what they held that he should do. They answered that they were not equal to advise on a matter of such vast import; but that there was the senate. Why not submit the whole matter to the judgment of the great council of the State? Tiberius's own attitude to this proposal may have been influenced by the fact that it was addressed to his colleagues as well as to himself,[1] and that they apparently thought it a reasonable means of relieving the present situation. It is difficult to believe that the man who had never taken the senate into his confidence over so vital a matter as the agrarian law, could have had much hope of its sympathy now. But his conviction of the inherent reasonableness of his proposal,[2] of his own power of stating the case convincingly, and his knowledge that the senate usually did yield at a crisis, that its government was only possible because it consistently kept its finger on the pulse of popular opinion, may have directed his acceptance of its advice. Immediate resort was had to the Curia. The business of the house must have been immediately suspended to listen to a statement of the merits of the agrarian measure, and to a description of the political situation which it had created. When the debate began, it was obvious that there was nothing but humiliation in store for the leaders of the popular movement. The capitalist class was represented by an overwhelming majority; carping protests and riddling criticism were heard on every side, and Tiberius probably had never been told so many home truths in his life. It was useless to prolong the discussion, and Tiberius was glad to get into the open air of the Forum again. He had formed his resolution, and now made a proposal which, if carried through, might remove the deadlock by means that might be construed as legitimate. The new device was nothing less than the removal of his colleague Octavius from office. He announced that at the next meeting of the Assembly two questions would be put before the Plebs, the acceptance of the law and the continuance by Octavius of his tenure of the tribunate.[2] The latter question was to be raised on the general issue whether a tribune who

[1] App. *Bell. Civ.* I. 12 οἱ δυνατοὶ τοὺς δημάρχους ἠξίουν ἐπιτρέψαι τῇ βουλῇ περὶ ὧν διαφέρονται.

[2] App. *l.c.*

acted contrary to the interests of the people was to continue in office. At the appointed time[1] Octavius's constancy was again tested, and he again stood firm. Tiberius broke out into one of his emotional outbursts, seizing his colleague's hands, entreating him to do this great favour to the people, reminding him that their claims were just, were nothing in proportion to their toils and dangers. When this appeal had been rejected, Tiberius summed up the impossibility of the situation in terms which contained a condemnation of the whole growth and structure of the Roman constitution. It was not in human power, he said, to prevent open war between magistrates of equal authority who were at variance on the gravest matters of state;[2] the only way which he saw of securing peace was the deposition of one of them from office. He did not care in the present instance which it was. The people would be the arbiter. Let his own deposition be proposed by Octavius; he would walk quietly away into a private station, if this were the will of the citizens. The man who spoke thus had more completely emancipated himself from Roman formulae than any Roman of the past. To Octavius it must have seemed a mere outburst of Greek demagogism. The offer too was an eminently safe one to make under the circumstances. On no grounds could it be accepted. At this point the proceedings were adjourned to allow Octavius time for deliberation.

On the following day Gracchus announced that the question of deposition would be taken first, and a fresh and equally vain appeal was made to the feelings of the unshaken Octavius.[3] The question was then put, not as a vague and general resolution, but as a determinate motion that Octavius be deprived of the tribunate. The thirty-five tribes voted, and when the votes of seventeen had been handed up and proclaimed,[4] and the voice of but one was lacking to make Octavius a private citizen, Tiberius as the presiding tribune stopped for a moment the machinery of the election. He again showed himself as a revolutionist unfortunate in the possession of a political and personal conscience. The people were witnessing a more passionate scene than ever, one that may appear as the last effort of reconciliation between the two social forces that were to

[1] Or in a *contio* held before the meeting. The scene is described in Plut. *Ti. Gracch.* 11.

[2] Plut. *l.c.* ὑπειπὼν ὁ Τιβέριος ὡς οὐκ ἔστιν ἄρχοντας ἀμφοτέρους καὶ περὶ πραγμάτων μεγάλων ἀπ' ἴσης ἐξουσίας διαφερομένους ἄνευ πολέμου διεξελθεῖν τὸν χρόνον.

[3] Plut. *Ti. Gracch.* 12.

[4] *Cf.* Mommsen *Staatsr.* iii. p. 409, note 1.

meet in terrible conflict. Gracchus's arms were round his opponent's neck; broken appeals fell from his lips—the old one that he should not break the heart of the people: the new one that he should not cause his own degradation, and leave a bitter memory in the mind of the author of his fall. Observers saw that Octavius's heart was touched; his eyes were filled with tears, and for some time he kept a troubled silence. But he soon remembered his duty and his pledge. Tiberius might do with him what he would. Gracchus called the gods to witness that he would willingly have saved his colleague from dishonour, and ordered the resumption of the announcement of the votes. The bill became law and Octavius was stripped of his office. It was probably because he declined to recognise the legality of the act that he still lingered on the Rostra. One of the tribunician *viatores*, a freedman of Gracchus, was commanded to fetch him down. When he reached the ground, a rush was made at him by the mob; but his supporters rallied round him, and Tiberius himself rushed from the Rostra to prevent the act of violence. Soon he was lost in the crowd and hurried unobserved from the tumult.[1] His place in the tribunician college was filled up by the immediate election of one Quintus Mummius.[2]

The members of the assembly that deposed Octavius may have been the spectators and authors of a new precedent in Roman history, one that was often followed in the closing years of the Republic, but one that may have received no direct sanction from the records of the past. The abrogation of the imperium of a proconsul had indeed been known,[3] but the deposition of a city magistrate during his year of office seems to have been a hitherto untried experiment. We cannot on this ground alone pronounce it to have been illegal; for an act never attempted before may have perfect legal validity, as the first occasion on which a legitimate deduction has been made from admitted principles of the constitution. It had always been allowed that under certain circumstances (chiefly the neglect of the proper formalities of election) a magistrate might be invited to abdicate his office; but the fact of this invitation is itself an evidence for the absence of any legal power of suspension. Tradition, however, often supplemented the defects of historical

[1] Plut. *Ti. Gracch.* 12.

[2] This is the name given by Appian (*Bell. Civ.* 1. 13); Plutarch (*Ti. Gracch.* 13) calls him Mucius; Orosius (v. 8. 3) Minucius.

[3] App. *Iber.* 83. *Cf.* Liv. xxvii. 20, xxix. 19. See Mommsen *Staatsr.* i. p. 629.

evidence, and one, perhaps the older, tale of the removal of the first consul Collatinus stated that it was effected by a popular measure introduced by his colleague.[1] This story was a fragment of that tradition of popular sovereignty which animated the historical literature of the age of the Gracchi: and one deduction from that theory may well have seemed to be that the sovereign people could change its ministers as it pleased. It was a deduction, however, that was not drawn even in the best period of democratic Athens; it ran wholly counter to the Roman conception of the magistracy as an authority co-ordinate with the people and one that, if not divinely appointed, received at least something of a sacred character from the fact of investiture with office. Even the prosecution of a magistrate for the gravest crime, although technically permissible during his year of office, had as a rule been relegated to the time when he again became a private citizen; the tribunician college, in particular, had generally thrown its protecting shield around its offending members, and had thus sustained its own dignity and that of the people. But, even if it be supposed that the sovereign could, at any moment and without any of the due formalities, proclaim itself a competent court of justice, and even though removal from office might be improperly represented as a punishment, there was the question of the offence to be considered. No crime known to the law had been charged against Octavius. In the exercise of his admitted right, or, as he might have expressed it, of his sacred duty, he had offended against the will of a majority. The analogy of the criminal law was from this point of view hopeless, and was therefore not pressed on this occasion. From another point of view it was not quite so remote. The tumultuous popular assemblages that had, on the bidding of a prosecuting tribune, often condemned commanders for vague offences hardly formulated in any particular law, scarcely differed, except in the fact that no previous magisterial inquiry had been conducted, from the meeting that deposed Octavius. The gulf that lies between proceedings in a parliament and proceedings in a court of law, was far less in Rome than it would have been in those Hellenic communities that possessed a developed system of criminal judicature.

If criminal analogies failed, a purely political ground of defence

[1] Mommsen *l.c.*

must be adduced. This could hardly be based on considerations of abstract justice, although, as we shall see, an attempt was made by Tiberius Gracchus to give it even this foundation. Could it be based on convenience? Obviously, as Gracchus saw, his act was the only effective means of removing a deadlock created by a constitution which knew only magistrates and people and had effectively crippled both. So far, it might be defended on grounds of temporary necessity. But an act of this kind could not die. To what consequences might not its repetition lead? Imagine a less serious question, a less representative assembly. Think of the possibility of a few hundred desperate members of the proletariate gathering on the Capitoline hill and deposing a tribune who represented the interests of the vast outlying population of Rome. This is a consequence which, it is true, was not realised in the future. But that was only because the tribunate was more than Gracchus conceived it, and was too strong in tradition and associations of sanctity to be broken even by his attack. The scruples which troubled him most arose from the suspicion that the sacred office itself might have been held to suffer by the deposition of Octavius, and it was to a repudiation of this view that he subsequently devoted the larger part of his systematic defence of his action.

At the same meeting at which Octavius was deposed, the agrarian bill was for the first time read without interruption to the people and immediately became law. Shortly after, the election of the commissioners was proceeded with and resulted in the appointment of Tiberius Gracchus himself, of his father-in-law Appius Claudius and of Gracchus's younger brother Caius.[1] It was perhaps natural that the people should pin their faith on the family of their champion; but it could hardly have increased the confidence of the community as a whole in the wisdom with which this delicate task would be executed, to find that it was entrusted to a family party, one of which was a mere boy; and the mistrust must have been increased when, somewhat later in the course of the year, the thorny questions which immediately encompassed the task of distribution led to the introduction by Tiberius of another law, which gave judicial power to the triumvirs, for the purpose of determining what was public land and what was private.[2] The fortunes of the richer

[1] App. *Bell. Civ.* 1. 13; Plut. *Ti. Gracch.* 13.

[2] Liv. *Ep.* lviii Promulgavit et aliam legem agrariam, qua sibi latius agrum patefaceret, ut iidem triumviri judicarent qua publicus ager, qua privatus esset.

classes seemed now to be entrusted to one man, who combined in his own person the tribunician power and the imperium, whose jurisdiction must have seriously infringed that of the regular courts, and who was assisted in issuing his probably inappellable decrees by a father-in-law and a younger brother. But, although effective protest was impossible, the senate showed its resentment by acts that might appear petty and spiteful, did we not remember that they were the only means open to this body of passing a vote of censure on the recent proceedings. The senate controlled every item of the expenditure; and when the commissioners appealed to it for their expenses, it refused a tent and fixed the limit of supplies at a denarius and a half a day. The instigator of this decree was the ex-consul Scipio Nasica, a heavy loser by the agrarian law, a man of strong and passionate temper who was every day becoming a more infuriated opponent of Tiberius Gracchus.[1]

Meanwhile the latter had celebrated a peaceful triumph which far eclipsed the military pageants of the imperators of the past. The country people, before they returned to their farms, had escorted him to his house; they had hailed him as a greater than Romulus, as the founder, not of a city nor of a nation, but of all the peoples of Italy.[2] It is true that his escort was only the poor, rude mob. Stately nobles and clanking soldiers were not to be seen in the procession. But they were better away. This was the true apotheosis of a real demagogism. And the suspicion of the masses was as readily fired as their enthusiasm. A friend of Tiberius died suddenly and ugly marks were seen upon the body. There was a cry of poison; the bier was caught up on the shoulders of the crowd and borne to the place of burning. A vast throng stood by to see the corpse consumed, and the ineffectiveness of the flames was held a thorough confirmation of the truth of their suspicions.[3] It remained to see how far this protective energy would serve to save their favourite when the day of reckoning came.

Tiberius could hardly have shared in the general elation. To make promises was one thing, to fulfil them another. Everything depended on the effectiveness of the execution of the agrarian scheme;

The titles borne by the commissioners appear as III vir a. d. a. (*Lex Latina Tabulae Bantinae*, C. I. L. i. 197; Bruns *Fontes* i. 3. 9; *cf. Lex Acilia Repetundarum* l. 13, C. I. L. i. 198; Bruns *Fontes* i. 3. 10): III vir a. i. a. (C. I. L. i. nn. 552-555): III vir a. d. a. i. (C. I. L. i. n. 583).

[1] Plut. *Ti. Gracch.* 13. [2] App. *Bell. Civ.* i. 13.
[3] Plut. *l.c.*

and, although the mechanism for distribution was excellent, some of the material necessary for its successful fulfilment was sadly lacking. There were candidates enough for land, and there was sufficient land for the candidates. But whence were the means for starting these penniless people on their new road to virtue and prosperity to be derived? To give an ardent settler thirty *jugera* of soil and to withhold from him the means of sowing his first crop or of making his first effort to turn pasture into arable land, was both useless and cruel; and we may imagine that the evicted possessors had not left their relinquished estates in a very enviable condition. The doors of the Aerarium were closed, for its key was in the hands of the senate; and Gracchus had to cast an anxious eye around for means for satisfying the needs of his clients.

The opportunity was presented when the Roman people came into the unexpected inheritance of Attalus the Third, king of Pergamon. The testament was brought to Rome by Eudemus the Pergamene, whose first business was with the senate. But, when Eudemus arrived in the city, he saw a state of things which must have made him doubt whether the senate was any longer the true director of the State. It sat passive and sullen, while an energetic *prostates* of the Greek type was doing what he liked with the land of Italy. No sane ambassador could have refused to neglect Gracchus, and it is practically certain that Eudemus approached him. This fact we may believe, even if we do not accept the version that the envoy had taken the precaution of bringing in his luggage a purple robe and a diadem, as symbols that might be necessary for a fitting recognition of Tiberius's future position.[1] It is also possible that suspicion of the rule of senators and capitalists may also have prompted the Greek to attempt to discover whether a more tolerable settlement might not be gained for his country through the leader of the popular party.[2] We cannot say whether Gracchus ever contemplated a policy with respect to the province as a whole. His mind was probably full of his immediate needs. He saw in the treasures of Attalus more than an equivalent for the revenues enclosed in the locked Aerarium, and he announced his intention of promulgating a plebiscite that the money left by the king should be assigned to the settlers provided for by his agrarian law.[3] It is

[1] Plut. *Ti. Gracch.* 14. [2] Nitzsch *Die Gracchen* p. 315.

[3] Liv. *Ep.* lviii Deinde, cum minus agri esset quam quod dividi posset sine offensa etiam plebis, quoniam eos ad cupiditatem amplum modum sperandi incit-

possible that he contemplated the application of the future revenues of the kingdom of Pergamon to this or some similar purpose: and it was perhaps partly for this reason, partly in answer to the objection that the treasure could not be appropriated without a senatorial decree, that he announced the novel doctrine that it was no business of the senate to decide the fate of the cities which had belonged to the Attalid monarchy, and that he himself would prepare for the people a measure dealing with this question.[1]

This was the fiercest challenge that he had yet flung to the senate. There might be a difference of opinion as to the right of a magistrate to put a question to the people without the guidance of a senatorial decree; the assignment of land was unquestionably a popular right in so far as it required ratification by the commons; even the deposition of Octavius was a matter for the people and would avenge itself. But there were two senatorial rights—the one usurped, the other created—whose validity had never been questioned. These were the control of finance and the direction of provincial administration. Were the possibility once admitted that these might be dealt with in the Comitia, the magistrates would cease to be ministers of the senate; for it was chiefly through a system of judicious prize-giving that the senate attached to itself the loyalty of the official class. There was perhaps less fear of what Gracchus himself might do than of the spectre which he was raising for the future. For in Roman history the events of the past made those of the future; there were few isolated phenomena in its development.

From this time the attacks of individual senators on Gracchus became more vehement and direct. They proceeded from men of the highest rank. A certain Pompeius, in whom we may probably see an ex-consul and a future censor, was not ashamed of raising the spectre of a coming monarchy by reference to the story of the sceptre and the purple robe, and is said to have vowed to impeach Gracchus as soon as his year of magistracy had expired;[2] the ex-consul Quintus Caecilius Metellus, of Macedonian fame, reproached Tiberius with his rabble escort. He compared

averat, legem se promulgaturum ostendit, ut iis, qui Sempronia lege agrum accipere deberent, pecunia quae regis Attali fuisset divideretur. [Victor] *de Vir. Ill.* 64 Tulit ut ea familia quae ex Attali hereditate erat ageretur et populo divideretur. *Cf.* Plut. *Ti. Gracch.* 14; Oros. v. 8. 4.

[1] Plut. *Ti. Gracch.* 14. [2] *Ibid.*; Oros. v. 8. 4.

the demeanour of the father and the son. In the censorship of the former the citizens used to quench their lights at night, as they saw him pass up the street to his house, that they might impress the censorial mind with the ideas of early hours and orderly conduct; now the son of this man might be seen returning home amidst the blaze of torches, held in the stout arms of a defiant body-guard drawn from the neediest classes.[1] These arrows may have missed the mark; the one that hit was winged by an aged senator, Titus Annius Luscus, who had held the consulship twenty years before. His wit is said to have been better established than his character. He excelled in that form of ready altercation, of impaling his opponent on the horns of a dilemma by means of some innocent question, which, both in the courts and the senate, was often more effective than the power of continuous oratory. He now challenged Tiberius to a wager (*sponsio*), such as in the public life of Rome was often employed to settle a disputed point of honour or of fact, to determine the question whether he had dishonoured a colleague, who was holy in virtue of his office and had been made sacrosanct by the laws. The proposal was received by the senators with loud cries of acclamation. A glance at Tiberius would probably have shown that Annius had found the weak spot, not merely in his defensive armour, but in his very soul. The deposition of Octavius was proving a very nemesis; it was a democratic act that was in the highest degree undemocratic, an assertion and yet a gross violation of popular liberty.[2] The superstitious masses were in the habit of washing their hands and purifying their bodies before they entered into the presence of a tribune.[3] Might there not be a thrill of awe and repentance when the idea was brought home to them that this holy temple had been violated: and must not this be followed by a sense of repugnance to the man who had prompted them to the unhallowed deed? Tiberius sprang to his feet, quitted the senate-house and summoned the people. The majesty of the tribunate in his person had been outraged by Annius. He must

[1] Plut. *l.c.* Cicero (*Brut.* 21. 81) speaks of a speech of Metellus "contra Ti. Gracchum". Plutarch's citation may be from this speech.

[2] Cicero regarded Octavius's deposition as the ruin of Gracchus. *Brut.* 25. 95 Injuria accepta fregit Ti. Gracchum patientia civis in rebus optimis constantissimus M. Octavius. *De Leg.* iii. 10. 24 Ipsum Ti. Gracchum non solum neglectus sed etiam sublatus intercessor evertit; quid enim illum aliud perculit, nisi quod potestatem intercedenti collegae abrogavit? The deposition was an act of "seditio" (*pro Mil.* 27. 72).

[3] Plut. *Quaest. Rom.* § 81.

answer for his words. The aged senator appeared before the crowd; he knew his disadvantage if the ordinary weapons of comitial strife were employed. In power of words and in repute with the masses he stood far behind Tiberius. But his presence of mind did not desert him. Might he ask a few questions before the regular proceedings began? The request was allowed and there was a dead silence. "Now suppose," said Annius, "you, Tiberius, were to wish to cover me with shame and abuse, and suppose I were to call on one of your colleagues for help, and he were to come up here to offer me his assistance, and suppose further that this were to excite your displeasure, would you deprive that colleague of yours of his office?" To answer that question in the affirmative was to admit that the tribunician power was dead; to answer it in the negative was to invite the retort that the *auxilium* was only one form of the *intercessio*. The quick-witted southern crowd must have seen the difficulty at once, and Tiberius himself, usually so ready and bold in speech, could not face the dilemma. He remained silent and dismissed the assembly.[1]

But matters could not remain as they were. This new aspect of Octavius's deposition was the talk of the town, and there were many troubled consciences amongst the members of his own following. Something must be done to quiet them; he must raise the question himself. The situation had indeed changed rapidly. Tiberius Gracchus was on his defence. Never did his power of special pleading appear to greater advantage than in the speech which followed. He had the gift which makes the mighty Radical, of diving down and seizing some fundamental truth of political science, and then employing it with merciless logic for the illustration or refutation of the practice of the present. The central idea here was one gathered from the political science of the Greeks. The good of the community is the only test of the rightness of an institution. It is justified if it secures that end, unjustified if it does not: or, to use the language of religion, holy in the one case, devoid of sanctity in the other. And an institution is not a mere abstraction; we must judge it by its use. We must, therefore, say that when it obeys the common interest, it is right: when it ceases to obey it, it is wrong. But the right must be preserved and the wrong plucked out. So Gracchus maintained that

[1] Plut. *Ti. Gracch.* 14.

the tribune was holy and sacrosanct because he had been sanctified to the people's service and was the people's head. If then he change his character and do the people wrong, cutting down its strength and silencing its voice as expressed through the suffrage, he has deprived himself of his office, for he has ceased to conform to the terms on which he received it. Should we leave a tribune alone who was pulling down the Capitolium or burning the docks? And yet a tribune who did these things would remain a tribune, though a bad one. It is only when a tribune is destroying the power of the people that he is no longer a tribune at all. The laws give the tribune the power to arrest the consul. It is a power given against a man elected by the people; for consul and tribune are equally mandataries of the people. Shall not then the people have the right of depriving the tribune of his authority, when he uses this authority in a way prejudicial to the interests of the giver? What does the history of the past teach us? Can anything have been more powerful or more sacred than the ancient monarchy of Rome? The Imperium of the king was unlimited, the highest priestly offices were his. Yet the city expelled Tarquin for his crimes. The tyranny of a single man was alone sufficient to bring to an end a government which had its roots in the most distant past, which had presided over the very birth of the city. And, if sanctity alone is to be the ground of immunity, what are we to think of the punishment of a vestal virgin? Is there anything in Rome more holy and awe-inspiring than the maidens who tend and guard the eternal flame? Yet their sin is visited by the most horrible of deaths. They hold their sacrosanct character through the gods; they lose it, therefore, when they sin against the gods. Should the same not be true of the tribune? It is on account of the people that he is sacred; he cannot retain this divine character when he wrongs the people; he is a man engaged in destroying the very power which is the source of his strength. If the tribunate can justly be gained by a favourable vote of the majority of the tribes, can it not with greater justice be taken away by an adverse vote of all of them? Again, what should be the limits of our action in dealing with sacred things? Does sanctity mean immobility? By no means. What are more holy and inviolable than things dedicated to the gods? Yet this character does not prevent the people from handling, moving, transferring them as it pleases. In the case of the tribunate, it is the office, not the

man, that is inviolable; it may be treated as an object of dedication and transferred to another. The practice of our own State proves that the office is not inviolable in the sense of being inalienable, for its holders have often forsworn it and asked to be divested of it.[1]

The strongest part of this utterance was that which dealt with the sacred character of office; it was a mere emanation from the performance of certain functions; the protection, not the reality, of the thing. Gracchus might have added that even a treaty might under certain circumstances be legitimately broken. The weakest, from a Roman standpoint or indeed from that of any stable political society, was the identification of the permanent and temporary character of an institution, the assumption that a meeting of the people was the people, that a tribune was the tribune. How far the speech was convincing we do not know; it certainly did not relieve Tiberius of his embarrassments, which were now thickening around him.

Tiberius's success had been mainly due to the country voters. It is true that he had a large following in the city; but this was numerically inferior to a mass of urban folk, whose attitude was either indifferent or hostile. They were indifferent in so far as they did not want agrarian assignments, and hostile in so far as they were clients of the noble houses which opposed Tiberius's policy. This urban party was now in the ascendant, for the country voters had scattered to their homes.[2] The situation demanded that he should work steadily for two objects, re-election to the tribunate and the support of the city voters. If, in addition to this support, he could hold out hopes that would attract the great capitalists to his side, his position would be impregnable. Hence in his speeches he began to throw out hints of a new and wide programme of legislation.[3] There was first the military grievance. Recent regulations, by the large decrease which they made in the property qualifications required for service,[4] had increased the liability to the conscription of the manufacturing and trading classes of Rome. Gracchus pro-

[1] Plut. *Ti. Gracch.* 15.

[2] App. *Bell. Civ.* i. 14.

[3] Plut. *Ti. Gracch.* 16 αὖθις ἄλλοις νόμοις ἀνελάμβανε τὸ πλῆθος, τοῦ τε χρόνου τῶν στρατειῶν ἀφαιρῶν, καὶ διδοὺς ἐπικαλεῖσθαι τὸν δῆμον ἀπὸ τῶν δικαστῶν καὶ τοῖς κρίνουσι τότε συγκλητικοῖς οὖσι [τριακοσίοις] καταμιγνὺς ἐκ τῶν ἱππέων τὸν ἴσον ἀριθμόν. Dio Cass. *frg.* 88 τὰ δικαστήρια ἀπὸ τῆς βουλῆς ἐπὶ τοὺς ἱππέας μετῆγε (Cf. Plin. *H.N.* xxxiii. 34).

[4] Polyb. vi. 19.

posed that the period of service should be shortened—his suggestion probably being, not that the years of liability to service (the seventeenth to the forty-sixth) should be lessened, but that within these years a limited number of campaigns should be agreed on, which should form the maximum amount of active service for every citizen.[1] Two other proposals dealt with the question of criminal jurisdiction. The first allowed an appeal to the people from the decision of *judices*. The form in which this proposal is stated by our authority, would lead us to suppose that the courts to be rendered appellable were those constituted under standing laws. The chief of these *quaestiones* or *judicia publica* was the court which tried cases for extortion, established in the first instance by a Lex Calpurnia, and possibly reconstituted before this epoch by a Junian law.[2] A permanent court for the trial of murder may also have existed at this time.[3] The judges of these standing commissions were drawn from the senatorial order; and Gracchus, therefore, by suggesting an appeal from their judgment to the people, was attacking a senatorial monopoly of the most important jurisdiction, and perhaps reflecting on the conduct of senatorial *judices*, as displayed especially in relation to the grievances of distressed provincials. But it is probable that he also meant to strike a blow at a more extraordinary prerogative claimed by the senate, and to deny the right of that body to establish special commissions which could decide without appeal on the life and fortunes of Roman citizens.[4] So far his proposals, whether based on a conviction of their general utility or not, were a bid for the support of the average citizen. But when he declared that the qualification for the criminal judges of the time could not be allowed to stand, and that these judges should be taken either from a joint panel of senators and knights, or from the senate increased by the addition of a number of members of the equestrian order equal to its present strength, he was holding out a bait to the wealthy middle class,

[1] There was already such a maximum according to Polybius (vi. 19). What it precisely was, is uncertain, as the passage is corrupt. According to Lipsius's reading, it was twenty years, according to Casaubon's, sixteen under ordinary conditions, twenty in emergencies. The knights were required to serve ten campaigns. See Marquardt *Staatsverw.* ii. p. 381. The nature of the reduction proposed by Gracchus is unknown.

[2] *Lex Acilia* ll. 23 and 74.

[3] Cic. *de Fin.* ii. 16. 54.

[4] No mention is made of the appeal in five cases in which criminal commissions had been established by the senate. The dates of these commissions are B.C. 331 (Liv. viii. 18; Val. Max. ii. 5. 3), 314 (Liv. ix. 26), 186 (Liv. xxxix. 8-19), 184 (Liv. xxxix. 41) and 180 (Liv. xl. 37).

who were perhaps already beginning to feel senatorial jurisdiction in provincial matters irksome and disadvantageous to their interests. We are told by one authority that Gracchus's eyes even ranged beyond the citizen body and that he contemplated the possibility of the gift of citizenship to the whole of Italy.[1] This was not in itself a measure likely to aid in his salvation by the people; if it was not a disinterested effort of far-sighted genius, it may have been due to the gathering storm which his experience showed him the agrarian commission would soon be forced to meet.[2] Certainly, if all these schemes are rightly attributed to Tiberius Gracchus, it was he more than any man who projected the great programme of reform that the future had in store.

Unfortunately for Gracchus the time was short for nursing a new constituency or spreading a new ideal. The time for the tribunician elections was approaching, an active canvass was being carried on by the candidates, and the aggrieved landowners were throwing the whole weight of their influence into the opposite scale.[3] Wild rumours of his plans were being circulated. The family clique that filled the agrarian commission was to snatch at other offices; Gracchus's brother, a youth still unqualified even for the quaestorship,[4] was to be thrust into the tribunate, and his father-in-law Appius was destined for the consulate.[5] Rome was to be ruled by a dynasty, and the tyranny of the commission was to extend to every department of the State. Gracchus felt that the city-combination against him was too strong, and sent an earnest summons to his supporters in the country. But practical needs were stronger than gratitude; the farmers were busy with their harvest; and it was plain that on this occasion the man of the street was to have the decisive voice. The result showed that even he was not unmoved by Gracchus's services, and by his last appeal that a life risked on behalf of the people should be protected by a renewed investiture with the tribunate.[6]

[1] Vellei. ii. 2 (Tiberius Gracchus) pollicitus toti Italiae civitatem.

[2] Cicero is perhaps stating the result, rather than the intention, of the Gracchan legislation when he says (*de Rep.* iii. 29. 41) Ti. Gracchus perseveravit in civibus, sociorum nominisque Latini jura neglexit ac foedera. No point in the Gracchan agrarian law is more remarkable than its strict, perhaps inequitable, legality. That its author consciously violated treaty relations is improbable.

[3] App. *Bell. Civ.* i. 14.

[4] For the qualifications at this period see Mommsen *Staatsr.* i. p. 505.

[5] Dio Cass. *frg.* 88 ἐπεχείρησε καὶ ἐς τὸ ἐπιὸν ἔτος μετὰ τοῦ ἀδελφοῦ δημαρχῆσαι καὶ τὸν πενθερὸν ὕπατον ἀποδεῖξαι.

[6] App. *l.c.*

The day of the election arrived and the votes were taken. When they came to be read out, it was found that the two first tribes had given their voice for Gracchus. Then there was a sudden uproar. The votes were going against the landlords; a legal protest must be made. Men rose in the assembly, and shouted out that immediate re-election to the tribunate was forbidden by the law. They were probably both right and wrong in their protest, as men so often were who ventured to make a definite assertion about the fluid public law of Rome. There was apparently no enactment forbidding the iteration of this office, and appointment to the tribunate must have been governed by custom. But recent custom seems to have been emphatically opposed to immediate re-election, and the appeal was justified on grounds of public practice.[1] It would probably have been disregarded, had the Gracchan supporters been in an overwhelming majority, or Gracchus's colleagues unanimous in their support. But the people were divided, and the president was not enthusiastic enough in the cause to risk his future impeachment. Rubrius, to whom the lot had assigned the conduct of the proceedings on that day, hesitated as to the course which he ought to follow. A bolder spirit Mummius, the man who had been made by the deposition of Octavius, asked that the conduct of the assembly should be handed over to him. Rubrius, glad to escape the difficulty, willingly yielded his place; but now the other members of the college interposed. The forms of the Comitia were being violated; a president could not be chosen without the use of the lot. The resignation of Rubrius must be followed by another appeal to sortition. The point of order raised, as usual, a heated discussion; the tribunes gathered on the Rostra to argue the matter out. Nothing could be gained by keeping the people as the spectators of such a scene, and Gracchus succeeded in getting the proceedings adjourned to the following day.[2]

The situation was becoming more desperate; for each delay was a triumph for the opposition, and could only strengthen the belief in the illegality of Gracchus's claim. He now resorted to the last device of the Roman; he ceased to be a protector and became a suppliant. Although still a magistrate, he assumed the garb of

[1] Mommsen *Staatsr.* i. p. 523. Dio Cassius indeed says (*fr.* 22) κωλυθὲν τό τινα δὶς τὴν ἀρχὴν λαμβάνειν; but tradition held that the proviso had been violated in the early plebeian agitations.

[2] App. *Bell. Civ.* i. 14.

mourning, and with humbled and tearful mien begged the help of individuals in the market place.[1] He led his son by the hand; his children and their mother were to be wards of the people, for he had despaired of his own life. Many were touched; to some the tribunate of Gracchus seemed like a rift in a dark cloud of oppression which would close around them at his fall, and their hearts sank at the thought of a renewed triumph of the nobility. Others were moved chiefly by the fears and sufferings of Gracchus. Cries of sympathy and defiance were raised in answer to his tears, and a large crowd escorted him to his house at nightfall and bade him be confident of their support on the following day. During his appeals he had hinted at the fear of a nocturnal attack by his foes: and this led many to form an encampment round his house and to remain as its vigilant defenders throughout the night.[2]

Before day-break he was up and engaged in hasty colloquy with his friends. The fear of force was certainly present; and definite plans may have been now made for its repulsion. Some even believed that a signal for battle was agreed on by Gracchus, if matters should come to that extreme.[3] With a true Roman's scruples he took the omens before he left his house. They presaged ill. The keeper of the sacred chickens, which Gracchus's Imperium now permitted him to consult, could get nothing from the birds, even though he shook the cage. Only one of the fowls advanced, and even that would not touch the food. And the unsought omens were as evil as those invited. Snakes were found to have hatched a brood in his helmet, his foot stumbled on the threshold with such violence that blood flowed from his sandal; he had hardly advanced on his way when crows were seen struggling on his left, and the true object of the sign was pointed when a stone, dislodged by one of them from a roof, fell at his own feet. This concourse of ill-luck frightened his boldest comrades; but his old teacher, Blossius of Cumae, vehemently urged the prosecution of the task. Was a son of Gracchus, the grandson of Africanus, chief minister of the Roman people,[4] to be deterred by a crow from listening to the summons of the citizens? If the disgrace of his absence amused his enemies, they

[1] App. *l.c.*; Plut. *Ti. Gracch.* 13. The scene is thus described by Asellio (a contemporary):—Orare coepit, id quidem ut se defenderent liberosque suos, eumque, quem virile secus tum in eo tempore habebat, produci jussit populoque commendavit prope flens (Gell. ii. 13. 5). Appian also speaks of a son, Plutarch of children.

[2] Plut. *Ti. Gracch.* 16.

[3] App. *Bell. Civ.* 1. 15.

[4] προστάτης δὲ τοῦ Ῥωμαίων δήμου (Plut. *Ti. Gracch.* 17).

would keep their laughter to themselves. They would use that absence seriously, to denounce him to the people as a king who was already aping the luxury of the tyrant. As Blossius spoke, men were seen running from the direction of the Capitol; they came up, they bade him press on, as all was going well. And, in fact, it seemed as if all might turn out brightly. The Capitoline temple, and the level area before it, which was to be the scene of the voting, were filled with his supporters. A hearty cheer greeted him as he appeared, and a phalanx closed round him to prevent the approach of any hostile element. Shortly after the proceedings began, the senate was summoned by the consul to meet in the temple of Fides.[1] A few yards of sloping ground was all that now separated the two hostile camps.[2]

The interval for reflection had strengthened the belief of some of the tribunes that Gracchus's candidature was illegal, and they were ready to support the renewed protests of the rich. The election, however, began; for the faithful Mummius was now presiding, and he proceeded to call on the tribes to vote. But the business of filing into their separate compartments, always complicated, was now impossible. The fringe of the crowd was in a continual uproar; from its extremities the opponents of the measure were wedging their way in. As his supporters squared their shoulders, the whole mass rocked and swayed. There was no hope of eliciting a decision from this scuffling and pushing throng. Every moment brought the assembly nearer to open riot. Suddenly a man was seen at some distance from Tiberius gesticulating with his hand as though he had something to impart. He was recognised as Fulvius Flaccus, a senator, a man perhaps already known as a sympathiser with schemes of reform. Gracchus asked the crowd immediately around him to give way a little, and Fulvius fought his way up to the tribune. His news was that in the sitting of the senate the rich proprietors had asked the consul to use force, that he had declined, and that now they were preparing on their own motion to slay Tiberius. For this purpose they had collected a large band of armed slaves and retainers.[3] Tiberius immediately imparted the news to his friends. Preparations for defence were hastily made: an improvised body-guard was formed; togas were girt up, and the staves of the lictors were broken into fragments to serve as clubs.

[1] App. *Bell. Civ.* i. 16. [2] Richter *Topographie* p. 128.
[3] Plut. *Ti. Gracch.* 18.

The Gracchans more distant from the centre of the scene were meanwhile marvelling at the strange preparations of which they caught but glimpses, and could be seen asking eager questions as to their meaning. To reach these distant supporters by his voice was impossible; Tiberius could but touch his forehead with his hand to indicate that his life was in danger. Immediately a shout went up from the opposite side "Tiberius is asking for the diadem," and eager messengers sped with the news to the senate.[1] There was probably a knowledge that physical support for their cause would be found in that quarter, and the exodus of these excited capitalists was apparently assisted by an onslaught from the mob. A regular tumult was brewing, and the tribunes, instead of striving to preserve order, or staying to interpose their sacred persons between the enraged combatants, fled incontinently from the spot. Their fear was natural, for by remaining they might seem to be identifying themselves with a cause that was either lost or lawless. With the tribunes vanished the last trace of legality. The priests closed the temple to keep its precincts from the mob. The more timorous of the crowd fled in wild disorder, spreading wilder rumours. Tiberius was deposing the remaining tribunes from office; he was appointing himself to a further tribunate without the formalities of election.[2]

Meanwhile the senate was deliberating in the temple of Fides. In the old days their deliberations might have resulted in the appointment of a dictator, and one of the historians who has handed down the record of these facts marvels that this was not the case now.[3] But the dictatorship had been weakened by submission to the appeal, and long before it became extinct had lost its significance as a means of repressing sedition within the city. The Roman constitution had now no mechanism for declaring a state of siege or martial law. From one point of view the extinction of the dictatorship was to be regretted. The nomination of this magistrate would have involved at least a day's delay;[4] some further time would have been necessary before he had collected round him a sufficient force in a city which had neither police nor soldiers. Had it been decided to appoint a dictator, the outrages of the next hour could never have occurred. As things were, it seemed as though

[1] Plut. *Ti. Gracch.* 19. [2] App. *Bell. Civ.* i. 15. [3] *Ibid.* 16.
[4] The dictator was usually nominated by the consul between midnight and morning (Liv. viii. 23), for the purpose of the avoidance of unfavourable omens.

the senate had to choose between impotence and murder. There was indeed another way. Such was the respect for members of the senatorial order, that a deputation of that body, headed by the consul, would probably have led to the dispersal of the mob. But passions were inflamed and it was no time for peaceful counsels. The advocate of summary measures was the impetuous Nasica. He urged the consul to save the city and to put down the tyrant. He demanded that the sense of the house should be taken as to whether extreme measures were now necessary. Even at this time a tradition may have existed that a magic formula by which the senate advised the magistrates "to see to it that the State took no harm,"[1] could justify any act of violence in an emergency. The sense of the house was with Nasica, but a resolution could not be framed unless the consul put the question. The answer of Scaevola was that of a lawyer. He would commence no act of violence, he would put to death no citizen uncondemned. If, however, the people, through the persuasion or compulsion of Tiberius, should come to any illegal decision, he would see that such a resolution was not observed. Nasica sprang to his feet. "The consul is betraying the city; those who wish the salvation of the laws, follow me."[2] With this he drew the hem of his toga over his head,[3] and rushed from the door in the direction of the Capitoline temple. He was followed by a crowd of senators, all wrapping the folds of their togas round their left arms. Outside the door they were joined by their retainers armed with clubs and staves.[4]

Meanwhile the proceedings in the Area Capitolii had been becoming somewhat less turbulent. The turmoil had quieted down

[1] Tradition ultimately carried it back to the fourth century B.C. In the revolution threatened by Manlius Capitolinus (384 B.C., Liv. vi. 19) the phrase Ut videant magistratus ne quid . . . res publica detrimenti capiat was believed to have been employed.

[2] Plut. *Ti. Gracch.* 19 ἐπεὶ . . . προδίδωσιν ὁ ἄρχων τὴν πόλιν, οἱ βουλόμενοι τοῖς νόμοις βοηθεῖν ἀκολουθεῖτε. The most specific and juristically exact account of these proceedings (one probably drawn from Livy) is preserved by Valerius Maximus (iii. 2. 17):—In aedem Fidei publicae convocati patres conscripti a consule Mucio Scaevola quidnam in tali tempestate faciendum esset deliberabant, cunctisque censentibus ut consul armis rem publicam tueretur, Scaevola negavit se quicquam vi esse acturum. Tum Scipio Nasica Quoniam, inquit, consul dum juris ordinem sequitur id agit ut cum omnibus legibus Romanum imperium corruat, egomet me privatus voluntati vestrae ducem offero. . . . Qui rem publicam salvam esse volunt me sequantur.

[3] App. *Bell. Civ.* i. 16; Plut. *l.c.* Appian speculates as to the meaning of the act. It may have been meant to attract the attention of his supporters, it may have been a signal of war, it may have been intended to veil the impending deed of horror from the eyes of the gods. *Cf.* Vellei. ii. 3.

[4] Plut. *Ti. Gracch.* 19.

with the exclusion of the more violent members of the opposition. Gracchus had called a Contio, for the purpose, it was said, of encouraging his supporters and asserting his own constancy and defiance of senatorial authority. The gathering had become a mere partisan mass meeting, such as had often been seen in the course of the current year, and the herald was crying "Silence,"[1] when suddenly the men on the outskirts of the throng fell back to right and left. A long line of senators had been seen hastening up the hill. A deputation from the fathers had come. That must have been the first impression: and the crowd fell back before its masters. But in a moment it was seen that the masters had come to chastise, not to plead. With set faces and blazing eyes Nasica and his following threw themselves on the yielding mass. The unarmed senators snatched at the first weapons that lay to hand, the fragments of the shattered furniture of the meeting, severed planks and legs of benches, while their retinue pressed on with clubs and sticks. The whole column made straight for Tiberius and his improvised body-guard. Resistance was hopeless, and the tribune and his friends turned to flee. But the idea of restoring order occupied but a small place in the minds of the maddened senators. The accumulated bitterness of a year found its outlet in one moment of glorious vengeance. The fathers were behaving like a Greek street mob of the lowest type which had turned against an oppressive oligarchy. They were clubbing the Gracchans to death. Tiberius was in flight when some one seized his toga. He slipped it off and fled, clad only in his tunic, when he stumbled over a prostrate body and fell. As he rose, a rain of blows descended on his head.[2] The man who was seen to strike the first blow is said to have been Publius Saturius, one of his own colleagues. The glory of his death was vehemently disputed; one Rufus, since he could not claim the first blow, is said to have boasted of being the author of the second. Tiberius is said to have fallen by the very doors of the Capitoline temple, not far from the statues of the Kings.[3] The number of his adherents that perished was over three hundred, and it was noted that not one of these was

[1] [Cic.] *ad Herenn.* iv. 55. 68.

[2] In the highly rhetorical exercise contained in [Cic.] *ad Herenn.* iv. 55. 68 is to be found the following picture:—Iste spumans ex ore scelus, anhelans ex infimo pectore crudelitatem, contorquet brachium et dubitanti Graccho quid esset, neque tamen locum, in quo constiterat, relinquenti, percutit tempus.

[3] App. *Bell. Civ.* i. 16.

slain by the sword.[1] Their bodies were thrown into the Tiber—not by the mob but by the magistrates; the hand of an aedile committed that of Tiberius to the stream.[2]

The murder of a young man, who was still under thirty at the time of his death,[3] and the slaughter of a few hundreds of his adherents, may not seem to be an act of very great significance in the history of a mighty empire. Yet ancient historians regarded the event as epoch-marking, as the turning point in the history of Rome, as the beginning of the period of the civil wars.[4] To justify this conclusion it is not enough to point to the fact that this was the first blood shed in civic discord since the age of the Kings;[5] for it might also have been the last. Though the vendetta is a natural outgrowth of Italian soil, yet masses of men are seldom, like individuals, animated solely by the spirit of revenge. The blood of the innocent is a good battle-cry in politics, but it is little more; it is far from being the mere pretext, but it is equally far from being the true cause, of future revolution. Familiarity with the use of force in civic strife is also a fatal cause of its perpetuation; but familiarity implies its renewed employment: it can hardly be the result of the first experiment in murder. The repetition of this ghastly phenomenon in Roman politics can only be accounted for by the belief that the Gracchan *émeute* was of its very nature an event that could not be isolated: that Gracchus was a pioneer in a hostile country, and that his opponents preserved all their inherent weakness after the first abortive manifestation of their pretended strength. A bad government may be securely entrenched. The senate, whether good or bad, had no defences at all. Its weakness had in the old days been its pride. It ruled by influencing opinion. Now that it had ceased to influence, it ruled by initiating a riot in the streets. It had no military support except such as was given it by friendly magistrates, and this was a dangerous weapon which

[1] Plut. *Ti. Gracch.* 19.

[2] App. *Bell. Civ.* i. 16 *καὶ πάντας αὐτοὺς νυκτὸς ἐξέρριψαν ἐς τὸ ῥεῦμα τοῦ ποταμοῦ.* [Victor] *de Vir. Ill.* 64 (Gracchi) corpus Lucretii aedilis manu in Tiberim missum; unde ille Vespillo dictus.

[3] Plut. *C. Gracch.* 1.

[4] Vellei. ii. 3. 3 Hoc initium in urbe Roma civilis sanguinis gladiorumque impunitatis fuit. Inde jus vi obrutum potentiorque habitus prior, discordiaeque civium antea condicionibus sanari solitae ferro dijudicatae (*cf.* Plut. *Ti. Gracch.* 20; App. *Bell. Civ.* i. 17). Cic. *de Rep.* i. 19. 31 Mors Tiberii Gracchi et jam ante tota illius ratio tribunatus divisit populum unum in duas partes.

[5] Plut. *Ti. Gracch.* 20 *ταύτην πρώτην ἱστοροῦσιν ἐν Ῥώμῃ στάσιν, ἀφ' οὗ τὸ βασιλεύεσθαι κατέλυσαν, αἵματι καὶ φόνῳ πολιτῶν διακριθῆναι.*

it hesitated to use. To ignore militarism was to be at the mercy of the demagogue of the street, to admit it was found subsequently to be equivalent to being at the mercy of the demagogue of the camp. In either case authority must be maintained at the cost of civil war. But the material helplessness of the senate was only one factor in the problem. More fatal flaws were its lack of insight to discover that there were new problems to be faced, and lack of courage in facing them. This moral helplessness was due partly to the selfishness of individuals, but partly also to the fixity of political tradition. In spite of the brilliancy and culture of some of its members, the senate in its corporate capacity showed the possession of a narrow heart and an inexpansive intelligence. Its sympathies were limited to a class; it learnt its new lessons slowly and did not see their bearing on the studies of the future. Imperialism abroad and social contentment at home might be preserved by the old methods which had worked so well in the past. But to the mind of the masses the past did not exist, and to the mind of the reformer it had buried its dead. The career of Tiberius Gracchus was the first sign of a great awakening; and if we regard it as illogical, and indeed impossible, to pause here and estimate the character of his reforms, it is because the more finished work of his brother was the completion of his efforts and followed them as inexorably as the daylight follows the dawn.

CHAPTER III

THE attitude of the senate after the fall of Gracchus was not that of a combatant who had emerged secure from the throes of a great crisis. A less experienced victor would have dwelt on the magnitude of the movement and been guilty of an attempt at its sudden reversal. But the government pretended that there had been no revolution, merely an *émeute*. The wicked authors of the sedition must be punished; but the Gracchan legislation might remain untouched. More than one motive probably contributed to shape this view. In the first place, the traditional policy of Rome regarded reaction as equivalent to revolution. A rash move should be stopped in its inception; but, had it gone a little way and yielded fruit in the shape of some permanent organisation, it would be well to accept and, if possible, to weaken this product; it would be the height of rashness to attempt its destruction. The recognition of the *fait accompli* had built up the Roman Empire, and the dreaded consequences had not come. Why should not the same be true of a new twist in domestic policy? Secondly, the opposition of the senate to Gracchus's reforms was based far more decidedly on political than on economic grounds. The frenzy which seized the fathers during the closing act of the tribune's life, was excited by his comprehensive onslaught on their monopoly of provincial, fiscal and judicial administration. His attempt to annex their lands had aroused the resentment of individuals, but not the hatred of a corporation. The individual was always lost in the senate, and the wrongs of the landowner could be ignored for the moment and their remedy left to time, if political prudence dictated a middle course. Again, reflection may have suggested the thought whether these wrongs were after all so great or so irremediable. The pastoral wealth of Italy was much; but it was little compared with

the possibilities of enterprise in the provinces. Might not the bait of an agrarian law, whose chances of success were doubtful and whose operation might in time be impeded by craftily devised legislation, lull the people into an acceptance of that senatorial control of the foreign world, which had been so scandalously threatened by Gracchus? There was a danger in the very raising of this question; there was further danger in its renewal. A party cry seldom becomes extinct; but its successful revival demands the sense of some tangible grievance. To remove the grievance was to silence the demagogue; what the people wanted was comfort and not power. And lastly, the senate was not wholly composed of selfish or aggrieved land-holders. Amongst the sternest upholders of its traditions there were probably many who were immensely relieved that the troublesome land question had received some approach to a solution. There are always men hide-bound by convention and unwilling to move hand or foot in aid of a remedial measure, who are yet profoundly grateful to the agitator whom they revile, and profoundly thankful that the antics which they deem grotesque, have saved themselves from responsibility and their country from a danger.

It was with such mixed feelings that the senate viewed the Gracchan *débâcle*. It was impossible, however, to accept the situation in its entirety; for to recognise the whole of Gracchus's career as legitimate was to set a dangerous precedent for the future. The large army of the respectable, the bulwark of senatorial power, had not been sufficiently alarmed. It was necessary to emphasise the fact that there had been an outrageous sedition on the part of the lower classes. With this object the senate commanded that the new consuls Popillius and Rupilius should sit as a criminal commission for the purpose of investigating the circumstances of the outbreak.[1] The commission was empowered to impose any sentence, and it is practically certain that it judged without appeal. The consuls, as usual, exercised their own discretion in the choice of assessors. The extreme party was represented by Nasica. Laelius, who also occupied a place on the judgment-seat, might have been regarded as a moderate;[2] although, as popular sedition and not

[1] Sall. *Jug.* 31. 7 Occiso Ti. Graccho, quem regnum parare aiebant, in plebem Romanam quaestiones habitae sunt. Val. Max. iv. 7. 1 Cum senatus Rupilio et Laenati consulibus mandasset ut in eos, qui cum Graccho consenserant, more majorum animadverterent . . . *Cf.* Vellei. ii. 7. 4.

[2] Cic. *de Amic.* 11. 37.

the agrarian question was on its trial, there is no reason to suppose that a member of the Scipionic circle would be less severe than any of his colleagues in his animadversions on the wretched underlings of the Gracchan movement whom it was his duty to convict of crime. It was in fact the street cohort of Tiberius, men whose voices, torches and sticks had so long insulted the feelings of respectable citizens, that seems to have been now visited with the penalties for high treason; for no illustrious name is found amongst the victims of the commission. On some the ban of interdiction was pronounced, on others the death penalty was summarily inflicted. Amongst the slain was Diophanes the rhetor; and one Caius Villius, by some mysterious effort of interpretation which baffles our analysis, was doomed to the parricide's death of the serpent and the sack.[1] Blossius of Cumae was also arraigned, and his answer to the commission was subsequently regarded as expressing the deepest villainy and the most exalted devotion. His only defence was his attachment to Gracchus, which made the tribune's word his law. "But what," said Laelius "if he had willed that you should fire the Capitol?" "That would never have been the will of Gracchus," was the reply, "but had he willed it, I should have obeyed."[2] Blossius escaped the immediate danger, but his fears soon led him to leave Rome, and now an exile from his adopted as well as from his parent state, he could find no hope but in the fortunes of Aristonicus, who was bravely battling with the Romans in Asia. On the collapse of that prince's power he put himself to death.[3]

The government may have succeeded in its immediate object of proving itself an effective policeman. The sense of order may have been satisfied, and the spirit of turbulence, if it existed, may have been for the moment cowed. But the memory of the central act of the ghastly tragedy on the Capitoline hill could not be so easily obliterated, and the chief actor was everywhere received with lowered brows and ill-omened cries.[4] It was superstition as well as hatred that sharpened the popular feeling against Nasica. A man was walking the streets of Rome whose hands were stained by a tribune's blood. He polluted the city wherein he dwelt and the presence of all who met him. The convenient theory that a mere

[1] Plut. *Ti. Gracch.* 20.
[2] Cic. *de Amic.* 11. 37; Val. Max. iv. 7. 1.
[3] Plut. *Ti. Gracch.* 20. [4] *Ibid.* 21.

street riot had been suppressed might have been accepted but for the awkward fact that the sanctity of the tribunate had been trodden under foot by its would-be vindicators. A prosecution of Nasica was threatened; and in such a case might not the arguments that vindicated Octavius be the doom of the accused? Popular hatred finds a convenient focus in a single man; it is easier to loathe an individual than a group. But for this very reason the removal of the individual may appease the resentment that the group deserves. Nasica was an embarrassment to the senate and he might prove a convenient scapegoat. It was desirable that he should be at once rewarded and removed; and the opportunity for an honourable banishment was easily found. The impending war with Aristonicus necessitated the sending of a commission to Asia, and Nasica was included amongst the five members of this embassy.[1] There was honour in the possession of such a post and wealth to be gained by its tenure; but the aristocracy had eventually to pay a still higher price for keeping Nasica beyond the borders of Italy. When the chief pontificate was vacated by the fall of Crassus in 130 B.C., the refugee was invested with the office so ardently sought by the nobles of Rome.[2] He was forced to be contented with this shadow of a splendid prize, for he was destined never to exercise the high functions of his office in the city. He seems never to have left Asia and, after a restless change of residence, he died near the city of Pergamon.[3]

The permanence of the land commission was the most important result of the senate's determination to detach the political from the economic consequences of the Gracchan movement.[4] But they tolerated rather than accepted it. Had they wished to make it their own, every nerve would have been strained to secure the three places at the annual elections[5] for men who re-

[1] Val. Max. v. 3. 2 e Is quoque (Scipio Nasica) propter iniquissimam virtutum suarum apud cives aestimationem sub titulo legationis Pergamum secessit et quod vitae superfuit ibi sine ullo ingratae patriae desiderio peregit. *Cf.* Plut. *l.c.*; Strabo xiv. 1. 38. See Waddington *Fastes* p. 662.

[2] Vellei. ii. 3. 1 P. Scipio Nasica . . . ob eas virtutes primus omnium absens pontifex maximus factus est. The other view, that Nasica was already pontifex maximus before his exile, was widely prevalent and is stated by nearly all our authorities (Cic. *in Cat.* i. 1. 3; Val. Max. 1. 4. 1; Plut. *Ti. Gracch.* 21; App. *Bell. Civ.* i. 16).

[3] Plut. *l.c.*

[4] Val. Max. vii. 2. 6 Par illa sapientia senatus. Ti. Gracchum tribunum pl. agrariam legem promulgare ausum morte multavit. Idem ut secundum legem ejus per triumviros ager populo viritim divideretur egregie censuit.

[5] See p. 116.

presented the true spirit of the nobility. But there was every reason for allowing the people's representatives to continue the people's work. The commission was an experiment, and the government did not wish to participate in possible failure; a seasonable opportunity might arise for suspending or neutralising its activities, and the senate did not wish to reverse its own work; whether success or failure attended its operations, the task of the commissioners was sure to arouse fears and excite odium, especially amongst the Italian allies; and the nobility were less inclined to excite such sentiments than to turn them to account. So the people were allowed year after year to perpetuate the Gracchan clique and to replace its members by avowed sympathisers with programmes of reform. Tiberius's place was filled by Crassus, whose daughter Licinia was wedded to Caius Gracchus.[1] Two places were soon vacated by the fall of Crassus in Asia and the death of Appius Claudius. They were filled by Marcus Fulvius Flaccus and Gaius Papirius Carbo.[2] The former had already proved his sympathy with Gracchus, the latter had just brought to an end an agitating tribunate, which had produced a successful ballot law and an abortive attempt to render the tribune re-eligible. The personnel of the commission was, therefore, a guarantee of its good faith. Its energy was on a level with its earnestness. The task of annexing and distributing the domain land was strenuously undertaken, and other officials, on whom fell the purely routine function of enforcing the new limit of occupation, seem to have been equally faithful to their work. Even the consul Popillius, one of the presidents of the commission that tried the Gracchan rioters, has left a record of his activity in the words that he was "the first to expel shepherds from their domains and install farmers in their stead".[3] The boundary stones of the com-

[1] Plut. *Ti. Gracch.* 21, C. I. L. i. n. 552 C. Sempronius *Ti. F. Grac.*, Ap. Claudius C. F. Pulc., P. Licinius P. F. Crass. III vir. A. I. A. (*Cf.* nn. 553. 1504), n. 583 (82-81 B.C.) M. Terentius M. F. Varro Lucullus Pro Pr. terminos restituendos ex s. c. coeravit qua P. Licinius Ap. Claudius C. Graccus III vir A. D. A. I. statuerunt. These *termini* suggest the *limites Graccani* of the *Liber Coloniarum* (*Gromatici* ed. Lachmann, pp. 209. 210) which may refer to the agrarian assignments under the *leges Semproniae* (of Ti. and C. Gracchus) rather than to the colonial foundations of the younger brother.

[2] Liv. *Ep.* lix. Seditiones a triumviris Fulvio Flacco et C. Graccho et C. Papirio Carbone agro dividendo creatis excitatae. App. *Bell. Civ.* i. 18. C. I. L. i. n. 554 M. Folvios M. F. Flac., C. Sempronius Ti. F. Grac., C. Paperius C. F. Carb. III vire. A. I. A. (*cf.* n. 555).

[3] C. I. L. i. 551 (Wilmanns 797) Primus fecei ut de agro poplico aratoribus cederent paastores.

missioners still survive to mark the care with which they defined the limits of occupied land and of the new allotments; and the great increase in the census roll between the years 131 and 125 B.C. finds its best explanation in the steady increase of small landholders effected by the agrarian law. In the former year the register had shown rather less than 319,000 citizens; in the latter the number had risen to somewhat more than 394,000.[1] If this increase of nearly 76,000 referred to the whole citizen body, it would be difficult to connect it with the work of the commission, except on the hypothesis that numerous vagrants, who did not as a rule appear at the census, now presented themselves for assessment; but, when it is remembered that the published census list of Rome merely contained the returns of her effective military strength, and that this consisted merely of the *assidui*, it is clear that a measure which elevated large portions of the *capite censi* to the position of yeoman farmers must have had the effect of increasing the numbers on the register; and this sudden leap in the census roll may thus be attributed to the successful working of the new agrarian scheme.[2] A result such as this could not have been wholly transitory; in tracing the agrarian legislation of the post-Gracchan period we shall indeed find the trial of experiments which prove that no final solution of the land question had been reached; we shall see the renewal of the process of land absorption which again led to the formation of gigantic estates; but these tendencies may merely mark the inevitable weeding-out of the weaker of the Gracchan colonists; they do not prove that the sturdier folk failed to justify the scheme, to work their new holdings at a profit, and to hand them down to their posterity. It is true that the landless proletariate of the city continued steadily to increase; but the causes which lead to the plethora of an imperial capital are too numerous to permit us to explain this increase by the single hypothesis of a renewed depopulation of the country districts.

The distribution of allotments, however, represented but the simpler element of the scheme. The really arduous task was to determine in any given case what land could with justice be distributed. The judicial powers of the triumvirs were taxed to the

[1] Liv. *Ep.* lix. (131 B.C.) Censa sunt civium capita CCCXVIII milia DCCCXXIII praeter pupillos et viduas. *Ib.* lx. (125 B.C.) Censa sunt civium capita CCCLXXXXIIII milia DCCXXVI. See de Boor *Fasti Censorii*.

[2] Mommsen *Hist. of Rome* bk. iv. c. 3.

utmost to determine what land was public, and what was private. The possessors would at times make no accurate profession of their tenure; such as were made probably in many cases aroused distrust. Information was invited from third parties, and straightway the land courts were the scene of harrowing litigation.[1] It could at times be vaguely ascertained that, while a portion of some great domain was held on occupation from the State, some other portion had been acquired by purchase; but what particular part of the estate was held on either tenure was undiscoverable, for titles had been lost, or, when preserved, did not furnish conclusive evidence of the justice of the original transfer. Even the ascertainment of the fact that a tract of land had once belonged to the State was no conclusive proof that the State could still claim rights of ownership; for some of it had in early times been assigned in allotments, and no historical record survived to prove where the assignment had ended and the permission of occupation had begun. The holders of private estates had for purposes of convenience worked the public land immediately adjoining their own grounds, the original landmarks had been swept away, and, although they had paid their dues for the possession of so many acres, it was impossible to say with precision which those acres were. The present condition of the land was no index; for some of the possessors had raised their portion of the public domain to as high a pitch of cultivation as their original patrimonies: and, as the commissioners were naturally anxious to secure arable land in good condition for the new settlers, the original occupiers sometimes found themselves in the enjoyment of marsh or swamp or barren soil,[2] which remained the sole relics of their splendid possessions. The judgments of the court were dissolving ancestral ties, destroying homesteads, and causing the transference of household gods to distant dwellings. Such are the inevitable results of an attempt to pry into ancient titles, and to investigate claims the basis of which lies even a few decades from the period of the inquisition.

But, while these consequences were unfortunate, they were not likely to produce political complications so long as the grievances were confined to members of the citizen body. The vested interests which had been ignored in the passing of the measure might be

[1] App. *Bell. Civ.* i. 18 ἀμελούντων δὲ τῶν κεκτημένων αὐτὴν (*sc.* τὴν γῆν) ἀπογράφεσθαι, κατηγόρους ἐκήρυττον ἐνδεικνύναι. καὶ ταχὺ πλῆθος ἦν δικῶν χαλεπῶν.

[2] App. *l.c.*

brushed aside in its execution. Had the territory of Italy belonged to Rome, there would have been much grumbling but no resistance; for effective resistance required a shadow of legal right. But beyond the citizen body lay groups of states which were interested in varying degrees in the execution of the agrarian measure: and their grievances, whether legitimate or not, raised embarrassing questions of public law. The municipalities composed of Roman citizens or of half-burgesses had, as we saw, been alarmed at the introduction of the measure, perhaps through a misunderstanding of its import and from a suspicion that the land which had been given them in usufruct was to be resumed.[1] Possibly the proceedings of the commission may have done something to justify this fear, for the limits of this land possessed by corporate bodies had probably become very ill-defined in the course of years. But, although a corporate was stronger than an individual interest and rested on some public guarantee, the complaints of these townships, composed as they were of burgesses, were merely part of the civic question, and must have been negligible in comparison with the protests of the federate cities of Italy and the Latins. We cannot determine what grounds the Italian Socii had either for fear or protest. It is not certain that land had been assigned to them in usufruct,[2] and such portions of their conquered territories as had been restored to them by the Roman State were their own property. But, whether the territories which they conceived to be threatened were owned or possessed by these communities, such ownership or possession was guaranteed to them by a sworn treaty, and it is inconceivable that the Gracchan legislation, the strongest and the weakest point of which was its strict legality, should have openly violated federative rights. When, however, we consider the way in which the public land of Rome ran in and out of the territories of these allied communities, it is not wonderful that doubts should exist as to the line of demarcation between state territories and the Roman domain. Vexed questions

[1] P. 119.

[2] Unless we take such to be the meaning of Hyginus (*de Condic. Agr.* p. 116) Vectigales autem agri sunt obligati, quidam r. p. P. R., quidam coloniarum aut municipiorum aut civitatium aliquarum. Qui et ipsi plerique ad populum Romanum pertinentes. . . . The passage seems to state that some *agri* which owed *vectigal* to communities belonged to the Roman people. There might therefore be a fear of their resumption, although it should have been remote, since these lands, as the context shows, were dealt with by a system of lease (for its nature see Mitteis *Zur Gesch. der Erbpacht im Alterthum* pp. 13 foll.), and leaseholds do not seem to have been threatened by Gracchus.

of boundaries might everywhere be raised, and the government of an Italian community would probably find as much difficulty as a private possessor in furnishing documentary evidence of title. The fears of the Latin communities are far more comprehensible, and it was probably in these centres that the Italian revolt against the proceedings of the commission chiefly originated. The interests of the Latins in this matter were almost precisely similar to those of the Romans: and this identity of view arose from a similarity of status. The Latin colonies had had their territories assigned by Roman commissioners: and it is probable, although it cannot be proved, that doubts arose as to the legitimate extent of these assignments in relation to the neighbouring public land. Many of these territories may have grown mysteriously at the expense of Rome in districts far removed from the capital: and in Gaul especially encroachments on the Roman domain by municipalities or individuals of the Latin colonies most recently established may have been suspected. But the Latin community had another interest in the question, which bore a still closer resemblance to that shown by the Roman burgesses. As the individual Latin might be a recipient of the favour of the commissioners, so he might be the victim of their legal claims. The fact that he shared the right of commerce with Rome and could acquire and sue for land by Roman forms, makes it practically certain that he could be a possessor of the Roman domain.[1] So eager had been the government in early times to see waste land reclaimed and defended, that it could hardly have failed to welcome the enterprising Latin who crossed his borders, threw his energies into the cultivation of the public land, and paid the required dues. Many of the wealthier members of Latin communities may thus have been liable to the fate of the ejected possessors of Rome; but even those amongst them whose possessions did not exceed the prescribed limit of five hundred *jugera*, may have believed that their claims would receive, or had received, too little attention from the Roman commission, while the difficulties resulting from the fusion of public and private land in the same estates may have been as great in these communities as they were in the territory of Rome. Such grievances presented no feature of singularity; they were common to Italy, and one might have thought that a Latin protest would have been weaker than a Roman. But there was

[1] P. 115.

one vital point of difference between the two. The Roman could appeal only as an individual; the Latin appealed as a member of a federate state. He did not pause to consider that his grievance was due to his being half a Roman and enjoying Roman rights. The truth that a suzerain cannot treat her subjects as badly as she treats her citizens may be morally, but is not legally, a paradox. The subjects have a collective voice, the citizens have ceased to have one when their own government has turned against them. The position of these Latins, illogical as it may have been, was strengthened by the extreme length to which Rome had carried her principle of non-interference in all dealings with federate allies. The Roman Comitia did not legislate for such states, no Roman magistrate had jurisdiction in their internal concerns. By a false analogy it could easily be argued that no Roman commission should be allowed to disturb their peaceful agricultural relations and to produce a social revolution within their borders. The allies now sought a champion for their cause, since the constitution supplied no mechanism for the direct expression of Italian grievances. The complaints of individual cities had in the past been borne to the senate and voiced by the Roman patrons of these towns. Now that a champion for the confederacy was needed, a common patron had to be created. He was immediately found in Scipio Aemilianus.[1]

The choice was inevitable and was dictated by three potent considerations. There was the dignity of the man, recently raised to its greatest height by the capture of Numantia; there was his known detachment from the recent Gracchan policy and his forcibly expressed dislike of the means by which it had been carried through; there was the further conviction based on his recent utterances that he had little liking for the Roman proletariate. The news of Gracchus's fall had been brought to Scipio in the camp before Numantia; his epitaph on the murdered tribune was that which the stern Hellenic goddess of justice and truth breathes over the slain Aegisthus:—

So perish all who do the like again.[2]

To Scipio Gracchus's undertaking must have seemed an act of impudent folly, its conduct must have appeared something worse than madness. In all probability it was not the agrarian move-

[1] App. *Bell. Civ.* i. 19. [2] Plut. *Ti. Gracch.* 21. Hom. *Od.* i. 47.

ment which roused his righteous horror, but the gross violation of the constitution which seemed to him to be involved in the inception and consequences of the plan. Of all political temperaments that of the Moderate is the least forgiving, just because it is the most timorous. He sees the gulf that yawns at his own feet, he lacks the courage to take the leap, and sets up his own halting attitude, of which he is secretly ashamed, as the correct demeanour for all sensible and patriotic men. The Conservative can appreciate the efforts of the Radical, for each is ennobled by the pursuit of the impossible; but the man of half measures and indeterminate aims, while contemning both, will find the reaction from violent change a more potent sentiment even than his disgust at corrupt immobility. Probably Scipio had never entertained such a respect for the Roman constitution as during those busy days in camp, when the incidents of the blockade were varied by messages describing the wild proceedings of his brother-in-law at Rome. Yet Scipio must have known that an unreformed government could give him nothing corresponding to his half-shaped ideals of a happy peasantry, a disciplined and effective soldiery, an uncorrupt administration that would deal honestly and gently with the provincials. His own position was in itself a strong condemnation of the powers at Rome. They were relying for military efficiency on a single man. Why should not they rely for political efficiency on another? But the latter question did not appeal to Scipio. To tread the beaten path was not the way to make an army; but it was good enough for politics.

Scipio did not scorn the honours of a triumph, and the victory of Numantia was followed by the usual pageant in the streets.[1] He was unquestionably the foremost man of Rome, and senate and commons hung on his lips to catch some definite expression of his attitude to recent events, or to those which were stirring men's minds in the present. They had not long to wait, for a test was soon presented. When in 131 Carbo introduced his bill permitting re-election to the tribunate, all the resources of Scipio's dignified oratory were at the disposal of the senate, and the coalition of his admirers with the voters whom the senate could dispose of, was fatal to the chances of the bill.[2] Such an attitude

[1] Cic. *Phil.* xi. 8. 18; Liv. *Ep.* lix.; Eutrop. iv. 19.

[2] Liv. *Ep.* lix. Cum Carbo tribunus plebis rogationem tulisset, ut eundem tribunum plebi, quoties vellet, creare liceret, rogationem ejus P. Africanus gravissima

need not have weakened his popularity; for excellent reasons could be given, in the interest of popular government itself, against permitting any magistracy to become continuous. But his political enemies were on the watch, and in one of the debates on the measure care was taken that a question should be put, the answer to which must either identify or compromise him with the new radicalism. Carbo asked him what he thought about the death of Tiberius Gracchus. Scipio's answer was cautious but precise; "If Gracchus had formed the intention of seizing on the administration of the State, he had been justly slain". It was merely a restatement of the old constitutional theory that one who aimed at monarchy was by that very fact an outlaw. But the answer, hypothetical as was its expression, implied a suspicion of Gracchus's aims. It did not please the crowd; there was a roar of dissent. Then Scipio lost his temper. The contempt of the soldier for the civilian, of the Roman for the foreigner, of the man of pure for the man of mixed blood—a contempt inflamed to passion by the thought that men such as he were often at the mercy of these wretches—broke through all reserve. "I have never been frightened by the clamour of the enemy in arms," he shouted, "shall I be alarmed by your cries, ye step-sons of Italy?" This reflection on the lineage of his audience naturally aroused another protest. It was met by the sharp rejoinder, "I brought you in chains to Rome; you are freed now, but none the more terrible for that!"[1] It was a humiliating spectacle. The most respected man in Rome was using the vulgar abuse of the streets to the sovereign people; and the man who used this language was so blinded by prejudice as not to see that the blood which he reviled gave the promise of a new race, that the mob which faced him was not a crowd of Italian peasants, willing victims of the martinet, that the Asiatic and the Greek, with their sordid clothes and doubtful occupations, possessed more intelligence than the Roman members of the Scipionic circle and might one day

oratione dissuasit. Cic. *de Amic.* 25. 95 Dissuasimus nos (Laelius), sed nihil de me: de Scipione dicam libentius. Quanta illi, dii immortales! fuit gravitas! quanta in oratione majestas! . . . Itaque lex popularis suffragiis populi repudiata est. *Cf.* Cic. *de Or.* ii. 40. 170.

[1] Vellei. ii. 4. 4 Hic, eum interrogante tribuno Carbone quid de Ti. Gracchi caede sentiret, respondit, si is occupandae rei publicae animum habuisset, jure caesum. Et cum omnis contio adclamasset, "Hostium," inquit, "armatorum totiens clamore non territus, qui possum vestro moveri, quorum noverca est Italia?" Val. Max. vi. 2. 3 Orto deinde murmure "Non efficietis," ait, "ut solutos verear quos alligatos adduxi". *Cf.* Cic. *pro Mil.* 3. 8; Liv. *Ep.* lix; Plut. *Ti. Gracch.* 21.

be the rulers of Rome. The new race was one of infinite possibilities. It needed guidance, not abuse. Carbo and his friends must have been delighted with the issue of their experiment. Scipio had paid the first instalment to that treasury of hatred, which was soon to prove his ruin and to make his following a thing of the past.

Such was the position of Scipio when he was approached by the Italians. His interest in their fortunes was twofold. First he viewed them with a soldier's eye.[1] They were tending more and more to form the flower of the Roman armies abroad: and, although in obedience to civic sentiment he had employed a heavier scourge on the backs of the auxiliaries than on those of the Roman troops before Numantia,[2] the chastisement, which he would have doubtless liked to inflict on all, was but an expression of his interest in their welfare. Next he admired the type for its own sake. The sturdy peasant class was largely represented here, and he probably had more faith in its permanence amongst the federate cities than amongst the needy burgesses whom the commissioners were attempting to restore to agriculture. He could not have seen the momentous consequences which would follow from a championship of the Italian allies against the interests of the urban proletariate; that such a dualism of interests would lead to increased demands on the part of the one, to a sullen resistance on the part of the other; that in this mere attempt to check the supposed iniquities of a too zealous commission lay the germ of the franchise movement and the Social War. His protection was a matter of justice and of interest. The allies had deserved well and should not be robbed; they were the true protectors of Rome and their loyalty must not be shaken. Scipio, therefore, took their protest to the senate. He respected the susceptibilities of the people so far as to utter no explicit word of adverse criticism on the Gracchan measure; but he dwelt on the difficulties which attended its execution, and he suggested that the commissioners were burdened with an invidious task in having to decide the disputed questions connected with the land which they annexed. By the nature of the case their judgments might easily appear to the litigants as tinged with prejudice. It would be better, he suggested, if the functions of jurisdiction

[1] App. *Bell. Civ.* i. 19 ὁ δ' ἐς τοὺς πολέμους αὐτοῖς κεχρημένος προθυμοτάτοις ὑπεριδεῖν . . . ὤκνησε.

[2] Liv. *Ep.* lvii.

were separated from those of distribution and the former duties given to some other authority.[1] The senate accepted the suggestion, and its reasonableness must have appealed even to the people, for the measure embodying it must have passed the Comitia, which alone could abrogate the Gracchan law.[2] Possibly some recent judgments of the commissioners had produced a sense of uneasiness amongst large numbers of the citizen body, and there may have been a feeling that it would be to the advantage of all parties if the cause of scandal were removed. Perhaps none but the inner circle of statesmen could have predicted the consequences of the change. The decision of the agrarian disputes was now entrusted to the consuls, who were the usual vehicles of administrative jurisdiction. The history of the past had proved over and over again the utter futility of entrusting the administration of an extraordinary and burdensome department to the regular magistrates. They were too busy to attend to it, even if they had the will. But in this case even the will was lacking. Of the two consuls Manius Aquillius was destined for the war in Asia, and his colleague Caius Sempronius Tuditanus had no sooner put his hand to the new work than he saw that the difficulties of adjudication had been by no means the creation of the commissioners. He answered eagerly to the call of a convenient Illyrian war and quitted the judgment seat for the less harassing anxieties of the camp.[3] The functions of the commissioners were paralysed; they seem now to have reached a limit where every particle of land for distribution was the subject of dispute, and, as there was no authority in existence to settle the contested claims, the work of assignation was brought to a sudden close. The masses of eager claimants, that still remained unsatisfied, felt that they had been betrayed; the feeling spread amongst the urban populace, and the name of Scipio was a word that now awoke suspicion and even execration.[3] It was not merely the sense of betrayal that aroused this hostile sentiment; the people charged him with ingratitude. Masses of men, like individuals, love a *protégé* more than a benefactor. They have a pride in looking at the colossal figure which they have helped to create. And had not they in a sense made Scipio? Their love had been quickened by the sense of danger; they had braved the anger of the nobles to put power into his

[1] App. *Bell. Civ.* i. 19. [2] Liv. *Ep.* lviii (p. 127). [3] App. *l.c.*

hands; they had twice raised him to the consulship in violation of the constitution. And now what was their reward? He had deliberately chosen to espouse the cause of the allies and oppose the interests of the Roman electorate. Scipio's enemies had good material to work upon. The casual grumblings of the streets were improved on, and formulated in the openly expressed belief that his real intention was the repeal of the Sempronian law, and in the more far-fetched suspicion that he meant to bring a military force to bear on the Roman mob, with its attendant horrors of street massacre or hardly less bloody persecution.[1]

The attacks on Scipio were not confined to the informal language of private intercourse. Hostile magistrates introduced his enemies to the Rostra, and men like Fulvius Flaccus inveighed bitterly against him.[2] On the day when one of these attacks was made, Scipio was defending his position before the people; he had been stung by the charge of ingratitude, for he retorted it on his accusers; he complained that an ill return was being made to him for his many services to the State. In the evening Scipio was escorted from the senate to his house by a crowd of sympathisers. Besides senators and other Romans the escort comprised representatives of his new clients, the Latins and the Italian allies.[3] His mind was full of the speech which he meant to deliver to the people on the following day. He retired early to his sleeping chamber and placed his writing tablet beside his bed, that he might fix the sudden inspirations of his waking hours. When morning dawned, he was found lying on his couch but with every trace of life extinct. The family inquisition on the slaves of the household was held as a matter of course. Their statements were never published to the world, but it was believed that under torture they had confessed to seeing certain men introduced stealthily during the night through the back part of the house; these, they thought, had strangled their master.[4] The reason which they assigned for their reticence was their fear of the people; they knew that Scipio's death had not appeased the popular fury, that the news had been received with joy, and they did not wish by invidious revelations to become the victims of the people's hate. The fears of the slaves were subsequently reflected in the minds of those who would have been willing to push the investigation further. There was ground

[1] App. *l.c.*
[2] Plut. *C. Gracch.* 10.
[3] Oros. v. 10. 9; Cic. *de Amic.* 3. 12.
[4] App. *Bell. Civ.* i. 20.

for suspicion; for Scipio, although some believed him delicate,[1] had shown no sign of recent illness. A scrutiny of the body is even said to have revealed a livid impress near the throat.[2] The investigation which followed a sudden death within the walls of a Roman household, if it revealed the suspicion of foul play, was usually the preliminary to a public inquiry. The duty of revenge was sacred; it appealed to the family even more than to the public conscience. But there was no one to raise the cry for retribution. He had no sons, and his family was represented but by his loveless wife Sempronia. His many friends must indeed have talked of making the matter public, and perhaps began at once to give vent to those dark suspicions which down to a late age clouded the names of so many of the dead man's contemporaries. But the project is said to have been immediately opposed by representatives of the popular party;[3] the crime, if crime there was, had been no vulgar murder; a suspicion that violence had been used was an insult to the men who had fought him fairly in the political field; a *quaestio* instituted by the senate might be a mere pretext for a judicial murder; it might be the ruse by which the nobles sought to compass the death of the people's new favourite and rising hope, Caius Gracchus. Ultimately those who believed in the murder and pined to avenge it, were constrained to admit that it was wiser to avoid a disgraceful political wrangle over the body of their dead hero. But, for the retreat to be covered, it must be publicly announced by those who had most authority to speak, that Scipio had died a natural death. This was accordingly the line taken by Laelius, when he wrote the funeral oration which Quintus Fabius Maximus delivered over the body of his uncle;[4] "We cannot sufficiently mourn this death by disease" were words purposely spoken to be an index to the official version of the decease. The fear of political disturbance which veiled the details of the tragedy, also dictated that the man, whom friends and enemies alike knew to have been the greatest of his age, should have no public funeral.[5]

[1] Plut. *Rom.* 27 *οἱ μὲν αὐτομάτως ὄντα φύσει νοσώδη καμεῖν λέγουσιν.*

[2] Vellei. ii. 4 Mane in lectulo repertus est mortuus, ita ut quaedam elisarum faucium in cervice reperirentur notae.

[3] Plut. *C. Gracch.* 10 *καὶ δεινὸν οὕτως ἔργον ἐπ' ἀνδρὶ τῷ πρώτῳ καὶ μεγίστῳ Ῥωμαίων τολμηθὲν οὐκ ἔτυχε δίκης οὐδ' εἰς ἔλεγχον προῆλθεν· ἐνέστησαν γὰρ οἱ πολλοὶ καὶ κατέλυσαν τὴν κρίσιν ὑπὲρ τοῦ Γαΐου φοβηθέντες, μὴ περιπετὴς τῇ αἰτίᾳ τοῦ φόνου ζητουμένου γένηται.* Vellei. ii. 4 De tanti viri morte nulla habita est quaestio. *Cf.* Liv. *Ep.* lix.

[4] Schol. Bob. *ad Cic. Milon.* 7. p. 283.

[5] App. *Bell. Civ.* i. 20.

The government might well fear a scandalous scene—the Forum with its lanes and porticoes crowded by a snarling holiday crowd, the laudation of the speakers interrupted by gibes and howls, the free-fight that would probably follow the performance of the obsequies.

But suppression means rumour. The mystery was profoundly enjoyed by this and subsequent ages. Every name that political or domestic circumstances could conveniently suggest, was brought into connection with Scipio's death. Caius Gracchus,[1] Fulvius Flaccus,[2] Caius Papirius Carbo[3] were all indifferently mentioned. Suspicion clung longest to Carbo, probably as the man who had lately come into the most direct conflict with his supposed victim; even Carbo's subsequent conversion to conservatism could not clear his name, and his guilt seems to have been almost an article of faith amongst the optimates of the Ciceronian period. But there were other versions which hinted at domestic crime. Did not Cornelia have an interest in removing the man who was undoing the work of her son, and might she not have had a willing accomplice in Scipio's wife Sempronia?[4] It was believed that this marriage of arrangement had never been sanctioned by love; Sempronia was plain and childless, and the absence of a husband's affection may have led her to think only of her duties as a daughter and a sister.[5] People who were too sane for these extravagances, but were yet unwilling to accept the prosaic solution of a natural death and give up the pleasant task of conjecture, suggested that Scipio had found death by his own hand. The motive assigned was the sense of his inability to keep the promises which he had made.[6] These promises may have been held to be certain suggestions for the amelioration of the condition of the Latin and Italian allies.

But it required no conjecture and no suspicion to emphasise the tragic nature of Scipio's death. He was but fifty-six; he was by far the greatest general that Rome could command, a champion who could spring into the breach when all seemed lost, make an army out of a rabble and win victory from defeat; he was a great moral force, the scourge of the new vices, the enemy of the

[1] Schol. Bob. *l.c.*; *cf.* Plut. *C. Gracch.* 10. [2] Plut. *l.c.*
[3] Cic. *ad Fam.* ix. 21. 3, *ad Q. fr.* ii. 3. 3, *de Or.* ii, 40. 170. *Cf. de Amic.* 12. 41.
[4] App. *Bell. Civ.* i. 20. [5] App. *l.c.*
[6] App. *Bell. Civ.* i. 20 *ὡς ἔνιοι δοκοῦσιν, ἑκὼν ἀπέθανε συνιδὼν ὅτι οὐκ ἔσοιτο δυνατὸς κατασχεῖν ὧν ὑπόσχοιτο.* For the theory of suicide *cf.* Plut. *Rom.* 27 *οἱ δ' αὐτὸν ὑφ' ἑαυτοῦ φαρμάκοις ἀποθανεῖν* (λέγουσιν).

provincial oppressor; he was the greatest intellectual influence in aristocratic Rome, embellishing the staid rigour of the ancient Roman with something of the humanism of the Greek; Xenophon was the author who appealed most strongly to his simple and manly tastes: and his purity of soul and clearness of intellect were fitly expressed in the chasteness and elegance of his Latin style. The modern historian has not to tax his fancy in discovering great qualities in Scipio; the mind of every unprejudiced contemporary must have echoed the thought of Laelius, when he wrote in his funeral speech "We cannot thank the gods enough that they gave to Rome in preference to other states a man with a heart and intellect like this".[1] But the dominant feeling amongst thinking men, who had any respect for the empire and the constitution, was that of panic at the loss. Quintus Metellus Macedonicus had been his political foe; but when the tidings of death were brought him, he was like one distraught. "Citizens," he wailed, "the walls of our city are in ruins."[2] And that a great breach had been made in the political and military defences of Rome is again the burden of Laelius's complaint, "He has perished at a time when a mighty man is needed by you and by all who wish the safety of this commonwealth". These utterances were not merely a lament for a great soldier, but the mourning for a man who might have held the balance between classes and saved a situation that was becoming intolerable. We cannot say whether any definite means of escape from the brewing storm was present to Scipio's mind, or, if he had evolved a plan, whether he was master of the means to render it even a temporary success. Perhaps he had meddled too little with politics to have acquired the dexterity requisite for a reconciler. Possibly his pride and his belief in the aristocracy as an aggregate would have stood in his way. But he was a man of moderate views who led a middle party, and he attracted the anxious attention of men who believed that salvation would not come from either of the extremes. He had once been the favourite of the crowd, and might be again, he commanded the distant respect of the nobility, and he had all Italy at his side. Was there likely to be a man whose position was better suited to a reconciliation of the war of jarring interests? Perhaps not; but at the time of his death the first steps which he had taken had

[1] Schol. Bob. *in Milon, l.c.* [2] Val. Max. iv. 1. 12.

only widened the horizon of war. He found a struggle between the commons and the nobles; he emphasised, although he had not created, the new struggle between the commons and Italy. His next step would have been decisive, but this he was not fated to take.

When we turn from the history of the agrarian movement and its unexpected consequences to other items in the internal fortunes of Rome during this period, we find that Tiberius Gracchus had left another legacy to the State. This was the idea of a magistracy which, freed from the restraint of consulting the senate, should busy itself with political reform, remove on its own initiative the obstacles which the constitution threw in the path of its progress, and effect the regeneration of Rome and even of Italy by means of ordinances elicited from the people. The social question was here as elsewhere the efficient cause; but it left results which seemed strangely disproportionate to their source. The career of Gracchus had shown that the leadership of the people was encumbered by two weaknesses. These were the packing of assemblies by dependants of the rich, whose votes were known and whose voices were therefore under control, and the impossibility of re-election to office, which rendered a continuity of policy on the part of the demagogue impossible. It was the business of the tribunate of Carbo to remove both these hindrances to popular power. His first proposal was to introduce voting by ballot in the legislative assemblies;[1] it was one that could not easily be resisted, since the principle of the ballot had already been recognised in elections, and in all judicial processes with the exception of trials for treason. These measures seem to have had the support of the party of moderate reform: and Scipio and his friends probably offered no resistance to the new application of the principle. Without their support, and unprovided with arguments which might excite the fears or jealousy of the people, the nobility was powerless: and the bill, therefore, easily became law. The change thus introduced was unquestionably a great one. Hitherto the country voters had been the most independent; now the members of the urban proletariate were equally free, and from this time forth the voice of the city could find an expression uninfluenced by the smiles or frowns of wealthy patrons. The ballot produced its intended effect more

[1] Cic. *de Leg.* iii. 16. 35 Carbonis est tertia (lex tabellaria) de jubendis legibus ac vetandis.

fully in legislation than in election; its introduction into the latter sphere caused the nobility to become purchasers instead of directors; but it was seldom that a law affected individual interests so directly as to make a bargain for votes desirable. The chief bribery found in the legislative assemblies was contained in the proposal submitted by the demagogue.

Carbo's second proposal, that immediate and indefinite re-election to the tribunate should be permitted,[1] was not recommended on the same grounds of precedent or reason. The analogies of the Roman constitution were opposed to it, and the rules against the perpetuity of office which limited the patrician magistracies, and made even a single re-election to the consulship illegal,[2] while framed in support of aristocratic government, had had as their pretext the security of the Republic, and therefore ostensibly of popular freedom and control. Again, the people might be reminded that the tribunate was not always a power friendly to their interests, and that the veto which blocked the expression of their will might be continued to a second year by the obstinate persistence of a minority of voters. Excellent arguments of a popular kind could be, and probably were, employed against the proposal. Certainly the sentiment which really animated the opposition could have found little favour with the masses, who ultimately voted for the rejection of the bill. All adherents of senatorial government must have seen in the success of the measure the threat of a permanent opposition, the possibility of the rise of official demagogues of the Greek type, monarchs in reality though not in name, the proximity of a Gracchan movement unhampered by the weakness which had led to Gracchus's fall. It is easier for an electorate to maintain a principle by the maintenance of a personality than to show its fervour for a creed by submitting new and untried exponents to a rigid confession of faith. The senate knew that causes wax and wane with the men who have formulated them, and it had always been more afraid of individuals than of masses. Scipio's view of the Gracchan movement and his acceptance of the cardinal maxims of existing statecraft, prepare us for the attitude which he assumed on this occasion. His speech against the measure was believed to have been decisive in turning the scale. He was supported by his henchmen, and the faithful Laelius also gave utterance to the pro-

[1] P. 155. [2] Liv. *Ep.* lvi.

tests of the moderates against the unwelcome innovation.[1] This victory, if decisive, would have made the career of Caius Gracchus impossible—a career which, while it fully justified the attitude of the opposition, more than fulfilled the designs of the advocates of the change. But the triumph was evanescent. Within the next eight years re-election to the tribunate was rendered possible under certain circumstances. The successful proposal is said to have taken the form of permitting any one to be chosen, if the number of candidates fell short of the ten places which were to be filled.[2] This arrangement was probably represented as a corollary of the ancient religious injunction which forbade the outgoing tribunes to leave the Plebs unprovided with guardians; and this presentment of the case probably weakened the arguments of the opposition. The aristocratic party could hardly have misconceived the import of the change. It was intended that a party which desired the re-election of a tribune should, by withdrawing some of its candidates at the last moment,[3] qualify him for reinvestiture with the magistracy.

The party of reform were rightly advised in attempting to secure an adequate mechanism for the fulfilment of a democratic programme before they put their wishes into shape. That they were less fortunate in the proposals that they formulated, was due to the fact that these proposals were at least as much the result of necessity as of deliberate choice. The agrarian question was still working its wicked will. It hung like an incubus round the necks of democrats and forced them into most undemocratic paths. The legacy left by Scipio had become the burdensome inheritance of his foes. Italian claims were now the impasse which stopped the present distribution and the future acquisition of land. The minds of many were led to inquire whether it might not be possible to strike a bargain with the allies, and thus began that mischievous co-operation between a party in Rome and the protected towns in Italy, which suggested hopes that could not be satisfied, led to open revolt as the result of the disappointment engendered by failure,

[1] P. 155, note 2.

[2] App. *Bell. Civ.* i. 21 *καὶ γάρ τις ἤδη νόμος ἐκεκύρωτο, εἰ δήμαρχος ἐνδέοι ταῖς παραγγελίαις, τὸν δῆμον ἐκ πάντων ἐπιλέγεσθαι.* It is possible that Appian has misconstrued the provision that, if enough candidates did not receive the absolute majority required for election (*explere tribus*), any one—even a tribune already in office—should be eligible. See Strachan-Davidson *in loc.*

[3] Or possibly by securing that some of its candidates should not receive the number of votes requisite for election. See the last note.

and might easily be interpreted as veiling treasonable designs against the Roman State. The franchise was to be offered to the Italian towns on condition that they waived their rights in the public land.[1] The details of the bargain were probably unknown, even to contemporaries, for the negotiations demanded secrecy; but it is clear that the arrangements must have been at once general and complex; for no organisation is likely to have existed that could bind each Italian township to the agreement, nor could any town have undertaken to prejudice all the varying rights of its individual citizens. When the Italians eagerly accepted the offer, a pledge must have been got from their leading men that the local governments would not press their claims to the disputed land as an international question; for it was under this aspect that the dispute presented the gravest difficulties. The commons of these states might be comforted by the assurance that, when they had become Roman citizens, they would themselves be entitled to share in the assignations. These negotiations, which may have extended over two or three years, ended by bringing crowds of Italians to Rome. They had no votes; but the moral influence of their presence was very great. They could applaud or hiss the speakers in the informal gatherings of the Contio; it was not impossible that in the last resort they might lend physical aid to that section of the democrats which had advocated their cause. It might even have been possible to manufacture votes for some of these immigrants. A Latin domiciled in Rome always enjoyed a limited suffrage in the Comitia, and a pretended domicile might easily be invented for a temporary resident. Nor was it even certain that the wholly unqualified foreigner might not give a surreptitious vote; for the president of the assembly was the man interested in the passing of the bill, and his subordinates might be instructed not to submit the qualifications of the voters to too strict a scrutiny. It was under these circumstances that the senate resorted to the device, rare but not unprecedented, of an alien act. Following its instructions, the tribune Marcus Junius Pennus introduced a proposal that foreigners should be excluded from the city.[2] We know nothing

[1] App. *Bell. Civ.* i. 21 καί τινες ἐσηγοῦντο τοὺς συμμάχους ἅπαντας, οἳ δὴ περὶ τῆς γῆς μάλιστα ἀντέλεγον, ἐς τὴν Ῥωμαίων πολιτείαν ἀναγράψαι, ὡς μείζονι χάριτι περὶ τῆς γῆς οὐ διοισομένους. καὶ ἐδέχοντο ἄσμενοι τοῦθ' οἱ Ἰταλιῶται, προτιθέντες τῶν χωρίων τὴν πολιτείαν.

[2] Cic. *de Off.* iii. 11. 47 Male etiam qui peregrinos urbibus uti prohibent eosque exterminant, ut Pennus apud patres nostros . . . Nam esse pro cive qui civis non sit rectum est non licere; quam legem tulerunt sapientissimi consules Crassus et

of the wording of the act. It may have made no specific mention of Italians, and its operation was presumably limited to strangers not domiciled before a certain date. But, like all similar provisions, it must have contained further limitations, for it is inconceivable that the foreign trader, engaged in legitimate business, was hustled summarily from the city. But, however limited its scope, its end was clear: and the fact that it passed the Comitia shows that the franchise movement was by no means wholly popular. A crowd is not so easy of conversion as an individual. Recent events must have caused large numbers of the urban proletariate to hate the very name of the Italians, and the idea of sharing the privileges of empire with the foreigner must already have been distasteful to the average Roman mind. It was in vain that Caius Gracchus, to whom the suggestion of his brother was already becoming a precept, tried to emphasise the political ruin which the spirit of exclusiveness had brought to cities of the past.[1] The appeal to history and to nobler motives must have fallen on deaf ears. It is possible, however, that the personality of the speaker might have been of some avail, had he been ably supported, and had the people seen all their leaders united on the question of the day. But there is reason for supposing that serious differences of opinion existed amongst these leaders as to the wisdom of the move. Some may have held that the party of reform had merely drifted in this direction, that the proposal for enfranchisement had never been considered on its own merits, and that they had no mandate from the people for purchasing land at this costly price. It may have been at this time that Carbo first showed his dissatisfaction with the party, of which he had almost been the accepted leader. If he declined to accompany his colleagues on this new and untried path, the first step in his conversion to the party of the optimates betrays no inconsistency with his former attitude; for he could maintain with justice that the proposal for enfranchising Italy was not a popular measure either in spirit or in fact.

It was, therefore, with more than doubtful chances of success that Fulvius Flaccus, who was consul in the following year, at-

Scaevola (95 B.C.); usu vero urbis prohibere peregrinos sane inhumanum est. For the date of Pennus's law see Cic. *Brut.* 28. 109:—Fuit . . . M. Lepido et L. Oreste consulibus quaestor Gracchus, tribunus Pennus.

[1] Festus p. 286 Resp. multarum civitatum pluraliter dixit C. Gracchus in ea, quam conscripsit de lege p. Enni (Penni *Müller*) et peregrinis, cum ait: "eae nationes, cum aliis rebus, per avaritiam atque stultitiam res publicas suas amiserunt".

tempted to bring the question to an issue by an actual proposal of citizenship for the allies. The details of his scheme of enfranchisement have been very imperfectly preserved.[1] We are unaware whether, like Caius Gracchus some three years later, he proposed to endow the Latins with higher privileges than the other allies: and, although he contemplated the non-acceptance of Roman citizenship by some of the allied communities, since he offered these cities the right of appeal to the people as a substitute for the status which they declined, we do not know whether his bill granted citizenship at once to all accepting states, or merely opened a way for a request for this right to come from individual cities to the Roman people. But it is probable that the bill in some way asserted the willingness of the people to confer the franchise, and that, if any other steps were involved in the method of conferment, they were little more than formal. The fact that the *provocatio* was contemplated as a substitute for citizenship is at once a proof that the old spirit of state life, which viewed absorption as extermination, was known still to be strong in some of the Italian communes, and that many of the individual Italians were believed to value the citizenship mainly as a means of protecting their persons against Roman officialdom. That the democratic party was strong at the moment when this proposal was given to the world is shown by the fact that Flaccus filled the consulship; that it had little sympathy with his scheme is proved by the isolation of the proposer and by the manner in which the senate was allowed to intervene. The conferment of the franchise had been proved to be essentially a popular prerogative;[2] the consultation of the senate on such a point might be advisable, but was by no means necessary; for, in spite of the ruling theory that the authority of the senate should be respected in all matters of legislation, the complex Roman constitution recognised shades of difference, determined by the quality of the particular proposal, with respect to the observance of this rule.

[1] App. *Bell. Civ.* i. 34 *Φούλουιος Φλάκκος ὑπατεύων μάλιστα δὴ πρῶτος ὧδε ἐς τὸ φανερώτατον ἠρέθιζε τοὺς Ἰταλιώτας ἐπιθυμεῖν τῆς Ῥωμαίων πολιτείας ὡς κοινωνοὺς τῆς ἡγεμονίας ἀντὶ ὑπηκόων ἐσομένους.* (*Cf.* i. 21), Val. Max. ix. 5. 1 M. Fulvius Flaccus consul, . . . cum perniciosissimas rei publicae leges introduceret de civitate Italiae danda et de provocatione ad populum eorum, qui civitatem mutare noluissent, aegre compulsus est ut in Curiam veniret.

[2] Liv. xxxviii. 36. Four tribunes vetoed a *rogatio* to grant voting rights to the *municipia* of Formiae, Fundi and Arpinum in 188 B.C. on the ground that the senate's judgment had not been taken, but Edocti populi esse, non senatus jus, suffragium quibus velit impertire, destiterunt incepto.

The position of Flaccus was legally stronger than that of Tiberius Gracchus had been. Had he been well supported by men of influence or by the masses, the senate's judgment might have been set at naught. But the people were cold, Carbo had probably turned away, and Caius Gracchus had gone as quaestor to Sardinia. The senate was emboldened to adopt a firm attitude. They invited the consul to take them into his confidence. After much delay he entered the senate house; but a stubborn silence was his only answer to the admonitions and entreaties of the fathers that he would desist from his purpose.[1] Flaccus knew the futility of arguing with people who had adopted a foregone conclusion; he would not even deign to accept a graceful retreat from an impossible position. The matter must be dropped; but to withdraw it at the exhortation of the senate, although complimentary to his peers and perhaps not unpleasing even to the people in their present humour, would prejudice the chances of the future. In view of better days it was wiser to shelve than to discard the measure. His attitude may also have been influenced by pledges made to the allies; to these, helpless as he was, he would yet be personally faithful. His fidelity would have been put to a severe test had he remained in Italy; but the supreme magistrate at Rome had always a refuge from a perplexing situation. The voice of duty called him abroad,[2] and Flaccus set forth to shelter Massilia from the Salluvii and to build up the Roman power in Transalpine Gaul.[3] Perhaps only a few of the leading democrats had knowledge enough to suspect the terrible consequences that might be involved in the failure of the proposal for conferring the franchise. To the senate and the Roman world they must have caused as much astonishment as alarm. It could never have been dreamed that the well-knit confederacy, which had known no spontaneous revolt since the rising of Falerii in the middle of the third century, could again be disturbed by internal war. Now the very centre of this confederacy, that loyal nucleus which had been unshaken by the victories of Hannibal, was to be the scene of an insurrection, the product of hope long deferred, of expectations recently kindled by injudicious promises, of resentment at Pennus's

[1] Val. Max. ix. 5. 1 Deinde partim monenti, partim oranti senatui ut incepto desisteret, responsum non dedit . . . Flaccus in totius amplissimi ordinis contemnenda majestate versatus est. *Cf.* App. *Bell. Civ.* i. 21.

[2] App. *Bell. Civ.* i. 34 ἐσηγούμενος δὲ τὴν γνώμην καὶ ἐπιμένων αὐτῇ καρτερῶς, ὑπὸ τῆς βουλῆς ἐπί τινα στρατείαν ἐξεπέμφθη διὰ τόδε.

[3] Liv. *Ep.* lx; Ammian. xv. 12. 5.

success and Flaccus's failure. Fregellae, the town which assumed the lead in the movement and either through overhaste or faulty information alone took the fatal step,[1] was a Latin colony which had been planted by Rome in the territory of the Volsci in the year 328 B.C.[2] The position of the town had ensured its prosperity even before it fell into the hands of Rome. It lay on the Liris in a rich vine-growing country, and within that circle of Latin and Campanian states, which had now become the industrial centre of Italy. It was itself the centre of the group of Latin colonies that lay as bulwarks of Rome between the Appian and Latin roads, and had in the Hannibalic war been chosen as the mouthpiece of the eighteen faithful cities, when twelve of the Latin states grew weary of their burdens and wavered in their allegiance.[3] The importance of the city was manifest and of long-standing, its self-esteem was doubtless great, and it perhaps considered that its signal services had been inadequately recompensed by Rome. But its peculiar grievances are unknown, or the particular reasons which gave Roman citizenship such an excessive value in its eyes. It is possible that its thriving farmer class had been angered by the agrarian commission and by undue demands for military service, and, in spite of the commercial equality with the Romans which they enjoyed in virtue of their Latin rights, they may have compared their position unfavourably with that of communities in the neighbourhood which had received the Roman franchise in full. Towns like Arpinum, Fundi and Formiae had been admitted to the citizen body without forfeiting their self-government. Absorption need not now entail the almost penal consequences of the dissolution of the constitution; while the possession of citizenship ensured the right of appeal and a full participation in the religious festivals and the amenities of the capital. It is also possible that, in the case of a prosperous industrial and agricultural community situated actually within Latium, the desire for actively participating in the decisions of the sovereign people may have played its part. But sentiment probably had in its councils as large a share as reason: and the fact that this sentiment led to premature action, and that the fall of the state was due to treason, may lead us to suppose that the Romans had to deal with a divided people and that one section of the com-

[1] An isolated notice speaks of a rising at Asculum. [Victor] *de Vir. Ill.* 65 (C. Gracchus) Asculanae et Fregellanae defectionis invidiam sustinuit.

[2] Liv. viii. 22.

[3] Liv. xxvii. 10.

munity, perhaps represented by the upper or official class, although it may have sympathised with the general desire for the attainment of the franchise, was by no means prepared to stake the ample fortunes of the town on the doubtful chance of successful rebellion. A prolonged resistance of the citizens within their walls might have given the impulse to a general rising of the Latins. Had Fregellae played the part of a second Numantia, the Social War might have been anticipated by thirty-five years. But the advantage to be gained from time was foiled by treason. A certain Numitorius Pullus betrayed the state to the praetor Lucius Opimius, who had been sent with an army from Rome. Had Fregellae stood alone, it might have been spared; but it was felt that some extreme measure either of concession or of terrorism was necessary to keep discontent from assuming the same fiery form in other communities. In the later war with the allies a greater danger was bought off by concession. But there the disease had run its course; here it was met in its earliest stage, and the familiar devise of excision was felt to be the true remedy. The principle of the "awful warning," which Alexander had applied to Thebes and Rome to Corinth, doomed the greatest of the Latin cities to destruction. Regardless of the past services of Fregellae and of the fact that the passion for the franchise was the most indubitable sign of the loyalty of the town, the government ordered that the walls of the surrendered city should be razed and that the town should become a mere open village undistinguished by any civic privilege.[1] A portion of its territory was during the next year employed for the foundation of the citizen colony of Fabrateria.[2] The new settlement was the typical Roman garrison in a disaffected country. But it proved the weakness of the present régime that such a crude and antiquated method should have to be employed in the heart of Latium. Security, however, was perhaps not the sole object of the foundation. The confiscated land of Fregellae was a boon to a government sadly in need of popularity at home.

An excellent opportunity was now offered for impressing the people with the enormity of the offence that had been committed by some of their leaders, and prosecutions were

[1] Liv. *Ep.* lx L. Opimius praetor Fregellanos, qui defecerant, in deditionem accepit; Fregellas diruit. *Cf.* Vellei. ii. 6; Obsequens 90; Plut. *C. Gracch.* 3; [Cic.] *ad Herenn.* iv. 15. 22.

[2] Vellei. i. 15 Cassio autem Longino et Sextio Calvino . . . consulibus Fabrateria deducta est.

directed against the men who had been foremost in support of the movement for extending the franchise. It was pretended that they had suggested designs as well as kindled hopes. The fate of the lesser advocates of the Italian cause is unknown; but Caius Gracchus, against whom an indictment was directed, cleared his name of all complicity in the movement.[1] The effect of these measures of suppression was not to improve matters for the future. The allies were burdened with a new and bitter memory; their friends at Rome were furnished with a new cause for resentment. If the Roman people continued selfish and apathetic, a leader might arise who would find the Italians a better support for his position than the Roman mob. If he did not arise or if he failed, the sole but certain arbitrament was that of the sword.

The foreign activity of Rome during this period did not reflect the troubled spirit of the capital. It was of little moment that petty wars were being waged in East and West, and that bulletins sometimes brought news of a general's defeat. Rome was accustomed to these things; and her efforts were still marked by their usual characteristics of steady expansion and decorous success. To predicate failure of her foreign activity for this period is to predicate it for all her history, for never was an empire more slowly won or more painfully preserved. It is true that at the commencement of this epoch an imperialist might have been justified in taking a gloomy view of the situation. In Spain Numantia was inflicting more injury on Roman prestige than on Roman power, while the long and harassing slave-war was devastating Sicily. But these perils were ultimately overcome, and meanwhile circumstances had led to the first extension of provincial rule over the wealthy East.

The kingdom of Pergamon had long been the mainstay of Rome's influence in the Orient. Her contact with the other protected princedoms was distant and fitful; but as long as her mandates could be issued through this faithful vassal, and he could rely on her whole-hearted support in making or meeting aggressions, the balance of power in the East was tolerably secure. It had been necessary to make Eumenes the Second see that he was wholly in the power of Rome, her vassal and not her ally. He had been rewarded and strengthened, not for his own deserts, but that he might be fitted to become the policeman of Western Asia, and it had been successfully shown that the hand which gave could also

[1] Plut. *C. Gracch.* 3.

take away. The lesson was learnt by the Pergamene power, and fortunately the dynasty was too short-lived for a king to arise who should forget the crushing display of Roman power which had followed the Third Macedonian War, or for the realisation of that greater danger of a protectorate—a struggle for the throne which should lead one of the pretenders to appeal to a national sentiment and embark on a national war. Eumenes at his death had left a direct successor in the person of his son Attalus, who had been born to him by his wife Stratonice, the daughter of Ariarathes King of Cappadocia.[1] But Attalus was a mere boy at the time of his father's death, and the choice of a guardian was of vital importance for the fortunes of the monarchy. Every consideration pointed to the uncle of the heir, and in the strong hands of Attalus the Second the regency became practically a monarchy.[2] The new ruler was a man of more than middle age, of sober judgment, and deeply versed in all the mysteries of kingcraft; for a mutual trust, rare amongst royal brethren in the East, had led Eumenes to treat him more as a colleague than as a lieutenant. He had none of the insane ambition which sees in the diadem the good to which all other blessings may be fitly sacrificed, and had resisted the invitation of a Roman coterie that he should thrust his suspected brother from the throne and reign himself as the acknowledged favourite of Rome. In the case of Attalus familiarity with the suzerain power had not bred contempt. He had served with Manlius in Galatia[3] and with Paulus in Macedonia,[4] and had been sent at least five times as envoy to the capital itself.[5] The change from a private station to

[1] It has been supposed that this boy may really have been the son of Attalus brother of Eumenes, a fruit of the transitory connection between this prince and Stratonice, which followed the false news of Eumenes's death in 172 B.C. See F. Köpp *De Attali III patre* in *Rhein. Mus.* xlviii. pp. 154 ff.; Wilcken in Pauly-Wissowa *Real. Enc.* p. 2170, and for the temporary marriage of Attalus with Stratonice Plut. *de Frat. Amor.* 18; Polyb. xxx. 2. 6. Livy (xlii. 16) and perhaps Diodorus (xxix. 34) speak only of Attalus's wooing, not of his marriage. If Attalus the Third was not the son of Eumenes, he was at least adopted by the king and was clearly recognised as his heir. The official view made the relationship between the Attali that of uncle and nephew. See note 2.

[2] For the guardianship of the younger Attalus see Strabo xiii. 4. 2. The recognition of the regent as king is clearly attested by inscriptions (Fränkel *Inschriften von Pergamon* nn. 214 ff., 224, 225, 248. In n. 248 the future Attalus the Third is called by the king *ὁ τἀδελφοῦ υἱὸς* (l. 18, *cf.* l. 32 *ὁ θεῖός μου* used by Attalus the Third) and has some power of appointment to the priesthood. There is no sign that the nephew was in any other respect a co-regent of the uncle. See Fränkel *op. cit.* p. 169.

[3] Liv. xxxviii. cc. 12, 23, 25; Polyb. xxi. 39.

[4] Liv. xliv. 36; xlv. 19.

[5] Wilcken in Pauly-Wissowa *Real. Enc.* p. 2168 foll.

a throne did not alter his conviction that the best interests of his country would be served by a steady adherence to the power, whose marvellous development to be the mainspring of Eastern politics was a miracle which he had witnessed with his own eyes. He had grasped the essentials of the Roman character sufficiently to see that this was not one of the temporary waves of conquest that had so often swept over the unchangeable East and spent their strength in the very violence of their flow, nor did he commit the error of mistaking self-restraint for weakness. Monarchs like himself were the necessary substitute for the dominion which the conquering State had been strong enough to spurn; and he threw himself zealously into the task of forwarding the designs of Rome in the dynastic struggles of the neighbouring nations. He helped to restore Ariarathes the Fifth to his kingdom of Cappadocia,[1] and appealed to Rome against the aggressions of Prusias the Second of Bithynia. He was saved by the decisive intervention of the senate, but not until he had been twice driven within the walls of his capital by his victorious enemy.[2] His own peace and the interests of Rome were now secured by his support of Nicomedes, the son of Prusias, who had won the favour of the Romans and was placed on the throne of his father. He had even interfered in the succession to the kingdom of the Seleucidae, when the Romans thought fit to support the pretensions of Alexander Balas to the throne of Syria.[3] Lastly he had sent assistance to the Roman armies in the conflict which ended in the final reduction of Greece.[4] There was no question of his abandoning his regency during his life-time. Rome could not have found a better instrument, and it was perhaps in obedience to the wishes of the senate, and certainly in accordance with their will, that he held the supreme power until his reign of twenty-one years was closed by his death.[5] Possibly the qualities of the rightful heir may not have inspired confidence, for a strong as well as a faithful friend was needed on the throne of Pergamon. The new ruler, Attalus the Third, threatened only the danger that springs from weakness; but, had not his rule been ended by an early death, it is possible that Roman intervention might have been called in to

[1] Polyb. xxxii. 22; Diod. xxxi. 32 b.

[2] For the details of this struggle see Wilcken *l.c.* p. 2172; Ussing *Pergamos* p. 50.

[3] Ussing *op. cit.* p. 51.

[4] Strabo xiii. 4. 2.

[5] Strabo *l.c.*; Lucian. *Macrob.* 12. He was sixty-one years old at his accession and eighty-two years old at the time of his death.

save the monarchy from the despair of his subjects, to hand it over to some more worthy vassal, or, in default of a suitable ruler, to reduce it to the form of a province. The restraint under which Attalus had lived during his uncle's guardianship, had given him the sense of impotence that issues in bitterness of temper and reckless suspicion. The suspicion became a mania when the death of his mother and his consort created a void in his life which he persisted in believing to be due to the criminal agency of man. Relatives and friends were now the immediate victims of his disordered mind,[1] and the carnival of slaughter was followed by an apathetic indifference to the things of the outer world. Dooming himself to a sordid seclusion, the king solaced his gloomy leisure with pursuits that had perhaps become habitual during his early detachment from affairs. He passed his time in ornamental gardening, modelling in wax, casting in bronze and working in metal.[2] His last great object in life was to raise a stately tomb to his mother Stratonice. It was while he was engaged in this pious task that exposure to the sun engendered an illness which caused his death. When the last of the legitimate Attalids had gone to his grave, it was found that the vacant kingdom had been disposed of by will, and that the Roman people was the nominated heir.[3] The genuineness of this document was subsequently disputed by the enemies of Rome, and it was pronounced to be a forgery perpetrated by Roman diplomats.[4] History furnishes evidence of the reality of the testament, but none of the influences under which it was made.[5] It is quite possible that the last eccentric king was

[1] Justin. xxxvi. 4; Diod. xxxiv. 3.

[2] Once, indeed, he seems to have taken the field with some success, as is proved by a decree in honour of a victory (Fränkel *Inschr. von Pergamon* n. 246). A vote of the town of Elaea honours the king *ἀρετῆς ἕνεκεν καὶ ἀνδραγαθίας τῆς κατὰ πόλεμον, κρατήσαντα τῶν ὑπεναντίων* (l. 22). The victory is also mentioned in n. 249.

[3] Liv. *Ep.* lviii. Heredem autem populum Romanum reliquerat Attalus, rex Pergami, Eumenis filius. *Cf. ib.* lix; Strabo xiii. 4. 2; Vellei. ii. 4; Val. Max. v. 2, ext. 3; Plut. *Ti. Gracch.* 14; Eutrop. iv. 18; Justin. xxxvi. 4. 5; Florus ii. 3 (iii. 15); Oros. v. 8; App. *Mithr.* 62.

[4] Sall. *Hist.* iv. 69 Maur. (Epistula Mithridatis) Eumenen, cujus amicitiam gloriose ostentant, initio prodidere (Romani) Antiocho, pacis mercedem; post habitum custodiae agri captivi sumptibus et contumeliis ex rege miserrimum servorum effecere, simulatoque impio testamento filium ejus Aristonicum, quia patrium regnum petiverat, hostium more per triumphum duxere.

[5] The reality of the will is attested by a Pergamene inscription (Fränkel *Inschr. von Pergamon* n. 249). The inscription records a resolution taken by the *δῆμος* on the proposal of the *στρατηγοί*. The resolution is elicited after the will has become known and in view of its ratification by Rome (l. 7 *δεῖ δὲ ἐπικυρωθῆναι τὴν διαθήκην ὑπὸ Ῥωμαίων*). Pergamon has by the death of the king, and perhaps in accordance with the will (see p. 177), been left "free" (l. 5 Attalus by passing away

jealous enough to will that he should have no successor on the throne, and cynical enough to see that it made little difference whether the actual power of Rome was direct or indirect. It is equally possible that the idea was suggested by the Romanising party in his court; although, when we remember the extreme unwillingness that Rome had ever shown to accept a position of permanent responsibility in the East, we can hardly imagine the plan to have received the direct sanction of the senate. It is conceivable, however, that many leading members of the government were growing doubtful of the success of merely diplomatic interference with the troubled politics of the East; that they desired a nearer point of vantage from which to watch the movements of its turbulent rulers; and that, if consulted on the chances of success which attended the new departure, they may have given a favourable reply. It was impossible by the nature of the case to question the validity of the act. The legatees were far too powerful to make it possible for their living chattels to raise an effective protest except by actual rebellion. But, from a legal point of view, a principality like Pergamon that had grown out of the successful seizure of a royal estate by its steward some hundred and fifty years before this time, might easily be regarded as the property of its kings;[1] and certainly if any heirs outside the royal family were to be admitted to the bequest, these would naturally be sought in the power, which had increased its dominions, strengthened its position and made it one of the great powers of the world. Neglected by Rome the principality would have become the prey of neighbouring powers; whilst the institution of a new prince, chosen from some royal house, would have excited the jealousy and stimulated the rapacity of the others. The acceptance of the bequest was inevitable, although by this acceptance Rome was departing from the beaten track of a carefully chosen policy. It is hinted that Attalus in his bequest,

ἀπολέλοιπεν τὴν πατρίδα ἡμῶν ἐλευθέραν). The first result of this freedom is that the people extends the privileges of its citizenship. Full civic rights are given to Paroeci (*i.e. incolae*) and (mercenary) soldiers; the rights of Paroeci are given to other classes:—freedmen, royal and public slaves. The motive assigned for the conferment is public security, and the extension of rights seems to be justified (l. 6) by the liberal spirit shown by the late king in the organisation of his conquests (see p. 175 note 2). The ruling idea seems to be that, if Pergamon was to be free, she must be strong. See Fränkel *in loc.*, Ussing *Pergamos* p. 55.

[1] At the same time the self-governing character of the civic corporation might be recognised: and Attalus, if he made the will, may have been courteous enough to recognise the "freedom" of the city from this point of view. See p. 177.

or the Romans in their acceptance, stipulated for the freedom of the dominion.[1] This freedom may be merely a euphemism for provincial rule when contrasted with absolute despotism; but we may read a truer meaning into the term. Rome had often guaranteed the liberty of Asiatic cities which she had wrested from their overlord, she had once divided Macedonia into independent Republics, she still maintained Achaea in a condition which allowed a great deal of self-government to many of its towns, and the system of Roman protectorate melted by insensible degrees into that of provincial government. It is possible that her treatment of the bequeathed communities might have been marked by greater liberality than was actually shown, had not the dominion been immediately convulsed by a war of independence.

A pretender had appeared from the house of the Attalids. He could show no legitimate scutcheon; but this was a small matter. If there was a chance of a national outbreak, it could best be fomented by a son of Eumenes. Aristonicus was believed to have been born of an Ephesian concubine of the king.[2] We know nothing of his personality, but the history of his two years' conflict with the Roman power proves him to have been no figure-head, but a man of ability, energy and resource. A strictly national cause was impossible in the kingdom of Pergamon; for there was little community of sentiment between the Greek coast line and the barbaric interior. But the commercial prosperity of the one, and the agricultural horrors of the other, might justify an appeal to interest based on different grounds. At first Aristonicus tried the sea. Without venturing at once into any of the great emporia, he raised his standard at Leucae, a small but strongly defended seaport lying almost midway between Phocaea and Smyrna, and placed on a promontory just south of the point where the Hermus issues into its gulf. Some of the leading towns seem to have answered to his call.[3] But the Ephesians, not content with mere repudiation, manned a fleet, sailed against him, and inflicted a severe defeat on his naval force off Cyme.[4] Evidently the com-

[1] Liv. *Ep.* lix. Cum testamento Attali regis legata populo Romano libera esse deberet (Asia). *Cf.* pp. 175, 176, notes 5 and 1.

[2] Justin. xxxvi. 4. 6 Sed erat ex Eumene Aristonicus, non justo matrimonio, sed ex paelice Ephesia, citharistae cujusdam filia, genitus, qui post mortem Attali velut paternum regnum Asiam invasit. The epitomator of Livy (lix.) speaks of him as "Eumenis filius". Strabo (xiv. 1. 38) describes him as δοκῶν τοῦ γένους εἶναι τοῦ τῶν βασιλέων.

[3] Florus i. 35 (ii. 20).

[4] Strabo xiv. 1. 38.

mercial spirit had no liking for his schemes; it saw in the Roman protectorate the promise of a wider commerce and a broader civic freedom. Aristonicus moved into the interior, at first perhaps as a refugee, but soon as a liberator. There were men here desperate enough to answer to any call, and miserable enough to face any danger. Sicily had shown that a slave-leader might become a king; Asia was now to prove that a king might come to his own by heading an army of the outcasts.[1] The call to freedom met with an eager response, and the Pergamene prince was soon marching to the coast at the head of "the citizens of the City of the Sun," the ideal polity which these remnants of nationalities, without countries and without homes, seem to have made their own.[2] His success was instantaneous. First the inland towns of Northern Lydia, Thyatira, and Apollonis, fell into his hands.[3] Organised resistance was for the moment impossible. There were no Roman troops in Asia, and the protected kings, to whom Rome had sent an urgent summons, could not have mustered their forces with sufficient speed to prevent Aristonicus sweeping towards the south. Here he threatened the coast line of Ionia and Caria; Colophon and Myndus fell into his power; he must even have been able to muster something of a fleet; for the island of Samos was soon joined to his possessions.[4] It is probable that the co-operation of the slave populations in these various cities added greatly to his success. His conquests may have been somewhat sporadic, and there is no reason to suppose that he commanded all the country included in the wide range of his captured cities and extending from Thyatira to the coast and from the Gulf of Hermus to that of Iassus. The forces which he could dispose of seem to have been sufficiently engaged in holding their southern conquests; there is no trace of his controlling the country north of Phocaea or of his even attempting an attack on Pergamon the capital of his kingdom. His army, however, must have been increasing in dimensions as

[1] Diod. xxxiv. 2. 26 τὸ παραπλήσιον δὲ (to the slave revolt in Sicily) γέγονε καὶ κατὰ τὴν Ἀσίαν κατὰ τοὺς αὐτοὺς καιρούς, Ἀριστονίκου μὲν ἀντιποιησαμένου τῆς μὴ προσηκούσης βασιλείας, τῶν δὲ δούλων διὰ τὰς ἐκ τῶν δεσποτῶν κακουχίας συναπονοησαμένων ἐκείνῳ καὶ μεγάλοις ἀτυχήμασι πολλὰς πόλεις περιβαλόντων.

[2] Strabo *l.c.* εἰς δὲ τὴν μεσόγαιαν ἀνιὼν ἤθροισε διὰ ταχέων πλῆθος ἀπόρων τε ἀνθρώπων καὶ δούλων ἐπ' ἐλευθερίᾳ κατακεκλημένων, οὓς Ἡλιοπολίτας ἐκάλεσε. For the view that Heliopolis was a merely ideal city deriving its name from the sun-god of Syria, see Mommsen *Hist. of Rome* bk. iv. c. 1; Bücher *op. cit.* pp. 105 foll. For the hopes of divine deliverance which pervade the slave revolts, see Mahaffy in *Hermathena* xvi. 1890, and *cf.* p. 89.

[3] Strabo *l.c.*

[4] Florus i. 35 (ii. 20).

well as in experience. Thracian mercenaries were added to his servile bands,[1] and the movement had assumed dimensions which convinced the Romans that this was not a tumult but a war. Their earlier efforts were apparently based on the belief that local forces would be sufficient to stem the rising. Even after the revolt of Aristonicus was known, they persisted in the idea that the commission, which would doubtless in any case have been sent out to inspect the new dependency, was an adequate means of meeting the emergency. This commission of five,[2] which included Scipio Nasica,[3] journeyed to Asia only to find that they were attending on a civil war, not on a judicial dispute, and that the country which was to be organised required to be conquered. The client kings of Bithynia, Paphlagonia, Cappadocia and Pontus, all eager for praise or for reward, had rallied loyally to the cause of Rome;[4] but the auxiliary forces that they brought were quite unable to pacify a country now in the throes of a servile war, and they lacked a commander-in-chief who would direct a series of ordered operations. Orders were given for the raising of a regular army, and in accordance with the traditions of the State this force would be commanded by a consul.

The heads of the State for this year were Lucius Valerius Flaccus and Publius Licinius Crassus. Each was covetous of the attractive command; for the Asiatic campaigns of the past had been easy, and there was no reason to suppose that a pretender who headed a multitude of slaves would be more difficult to vanquish than a king like Antiochus who had had at his call all the forces of Asia. The chances of a triumph were becoming scarcer; here was one that was almost within the commander's grasp. But there were even greater prizes in store. The happy conqueror would be the first to touch the treasure of the Attalids, and secure for the State a prize which had already been the source of political strife; he would reap for himself and his army a royal harvest from the booty taken in the field or from the sack of towns, and he would almost indubitably remain in the conquered country to organise, perhaps to govern for years, the wealthiest domain that had fallen to the lot of Rome,

[1] Val. Max. iii. 2. 12. [2] Strabo xiv. 1. 38. [3] P. 148.

[4] Strabo *l.c.* *εὐθὺς αἵ τε πόλεις ἔπεμψαν πλῆθος, καὶ Νικομήδης ὁ Βιθυνὸς ἐπεκούρησε καὶ οἱ τῶν Καππαδόκων βασιλεῖς.* Eutrop. iv. 20 P. Licinius Crassus infinita regum habuit auxilia. Nam et Bithyniae rex Nicomedes Romanos juvit et Mithridates Ponticus, cum quo bellum postea gravissimum fuit, et Ariarathes Cappadox et Pylaemenes Paphlagon. The Pontic king was Mithradates Euergetes, not Eupator.

and to treat like a king with the monarchs of the protected states around. These attractions were sufficient to overcome the religious scruples of both the candidates; for it chanced that both Crassus and Flaccus were hampered by religious law from assuming a command abroad. The one was chief pontiff and the other the Flamen of Mars; and, if the objections were felt or pressed, the obvious candidate for the Asiatic campaign was Scipio Aemilianus, the only tried general of the time. But Scipio's chances were small. The nature of the struggle did not seem to demand extraordinary genius, and Scipio, although necessary in an emergency, could not be allowed to snatch the legitimate prizes of the holders of office.[1] So the contest lay between the pontiff and the priest. The controversy was unequal, for, while the pontiff was the disciplinary head of the state religion, the Flamen was in matters of ritual and in the rules appertaining to the observance of religious law subject to his jurisdiction. Crassus restrained the ardour of his colleague by announcing that he would impose a fine if the Flamen neglected his religious duties by quitting the shores of Italy. The pecuniary penalty was only intended as a means of stating a test case to be submitted, as similar cases had been twice before,[2] to the decision of the people. Flaccus entered an appeal against the fine, and the judgment of the Comitia was invited. The verdict of the people was that the fine should be remitted, but that the Flamen should obey the pontiff.[3] As Crassus had no superior in the religious world, it was difficult, if not impossible, for the objections against his own tenure of the foreign command to be pressed.[4] The people, perhaps grateful for the Gracchan sympathies of Crassus, felt no scruple about dismissing their pontiff to a foreign land, and readily voted him the conduct of the war.

The story of the campaign which followed is confined to a few personal anecdotes connected with the remarkable man who led the Roman armies. The learning of Crassus was attested by the fact that, when he held a court in Asia, he could not only deliver his

[1] Cic. *Phil.* xi. 8. 18 Populus Romanus consuli potius Crasso quam privato Africano bellum gerendum dedit.

[2] In B.C. 189 (Liv. xxxvii. 51) and 180 (Liv. xl. 42).

[3] Cic. *l.c.* Rogatus est populus quem id bellum gerere placeret. Crassus consul, pontifex maximus, Flacco collegae, flamini Martiali, multam dixit si a sacris discessisset; quam multam populus remisit, pontifici tamen flaminem parere jussit.

[4] *Cf.* Liv. *Ep.* lix. Adversus eum (Aristonicum) P. Licinius Crassus consul, cum idem pontifex maximus esset, quod numquam antea factum erat, extra Italiam profectus . . .

judgments in Greek, but adapt his discourse to the dialect of the different litigants.[1] His discipline was severe but indiscriminating; it displayed the rigour of the erudite martinet, not the insight of the born commander. Once he needed a piece of timber for a battering ram, and wrote to the architect of a friendly town to send the larger of two pieces which he had seen there. The trained eye of the expert immediately saw that the smaller was the better suited to the purpose; and this was accordingly sent. The intelligence of the architect was his ruin. The unhappy man was stripped and scourged, on the ground that the exercise of judgment by a subordinate was utterly subversive of a commander's authority.[2] Another account represents such generalship as he possessed as having been diverted from its true aim by the ardour with which, in spite of his enormous wealth, he followed up the traces of the spoils of war.[3] But his death, which took place at the beginning of the second year of his command,[4] was not unworthy of one who had held the consulship. He was conducting operations in the territory between Elaea and Smyrna, probably in preparation for the siege of Leucae,[5] still a stronghold of the pretender. Here he was suddenly surprised by the enemy. His hastily formed ranks were shattered, and the Romans were soon in full retreat for some friendly city of the north. But their lines were broken by uneven ground and by the violence of the pursuit. The general was detached from the main body of his army and overtaken by a troop of Thracian horse. His captors were probablyignorant of the value of their prize; and, even had they known that they held in their hands the leader of the Roman host, the device of Crassus might still have saved him from the triumph of a rebel prince and shameful exposure to the insults of a servile crowd. He thrust his riding whip into the eye of one of his captors. Frenzied with pain, the man buried his dagger in the captive's side.[6]

The death of Crassus created hardly a pause in the conduct of the campaign; for Marcus Perperna, the consul for the year, was soon in the field and organising vigorous measures against Aristonicus. The details of the campaign have not been preserved, but we

[1] Quinctil. *Inst. Or.* xi. 2. 50. [2] Gell. i. 13.
[3] Intentior Attalicae praedae quam bello (Justin. xxxvi. 4. 8).
[4] *Cf.* Eutrop. iv. 20 Perperna, consul Romanus (130 B.C.) qui successor Crasso veniebat.
[5] Val. Max. iii. 2. 12; Strabo xiv. 1. 38.
[6] Val. Max. *l.c.* *Cf.* Oros. v. 10; Florus i. 34 (ii. 20). Eutropius (iv. 20) states that Crassus's head was taken to Aristonicus, his body buried at Smyrna.

are told that the first serious encounter resulted in a decisive victory for the Roman arms.[1] The pretender fled, and was finally hunted down to the southern part of his dominions. His last stand was made at Stratonicea in Caria. The town was blockaded and reduced by famine, and Aristonicus surrendered unconditionally to the Roman power.[2] Perperna reserved the captive for his triumph, he visited Pergamon and placed on shipboard the treasures of Attalus for transport to Rome;[3] by these decisive acts he was proving that the war was over, for yet a third eager consul was straining every nerve to get his share of glory and of gain. Manius Aquillius was hastening to Asia to assume a command which might still be interpreted as a reality;[4] the longer he allowed his predecessor to remain, the more unsubstantial would his own share in the enterprise become. A triumph would be the prize of the man who had finished the war, and perhaps even Aristonicus's capture need not be interpreted as its close. A scene of angry recrimination might have been the result of an encounter between the rival commanders; but this was avoided by Perperna's sudden death at Pergamon.[5] It is possible that Aristonicus was saved the shame of a Roman triumph, although one tradition affirms that he was reserved for the pageant which three years later commemorated Aquillius's success in Asia.[6] But he did not escape the doom which the State pronounced on rebel princes, and was strangled in the Tullianum by the orders of the senate.[7]

Aquillius found in his province sufficient material for the prolongation of the war. Although the fall of Aristonicus had doubtless brought with it the dissolution of the regular armies of the rebels, yet isolated cities, probably terrorised by revolted slaves who could expect no mercy from the conqueror, still offered a desperate resistance. In his eagerness to end the struggle the Roman commander is said to have shed the last vestiges of international morality, and the reduction of towns by the poisoning of the streams which provided them with water,[8] while it inflicted an

[1] Justin. xxxvi. 4 Prima congressione Aristonicum superatum in potestatem suam redegit.

[2] Eutrop. iv. 20. *Cf.* Liv. *Ep.* lix. [3] Justin. *l.c.*

[4] Justin. xxxvi. 4 M'. Aquilius consul ad eripiendum Aristonicum Perpernae, veluti sui potius triumphi munus esse deberet, festinata velocitate contendit.

[5] Eutrop. iv. 20; Justin. xxxvi. 4. [6] Vellei. ii. 4.

[7] Eutrop. *l.c.* Aristonicus jussu senatus Romae in carcere strangulatus est. According to Strabo (xiv. 1. 38) he had been sent to Rome by Perperna.

[8] Florus i. 35 (ii. 20) Aquillius Asiatici belli reliquias confecit, mixtis-nefas-veneno fontibus ad deditionem quarundam urbium. Quae res ut maturam ita

indelible stain on Roman honour, was perhaps defended as an inevitable accompaniment of an irregular servile war. The work of organisation had been begun even before that of pacification had been completed. The State had taken Perperna's success seriously enough to send with Aquillius ten commissioners for the regulation of the affairs of the new province,[1] and they seem to have entered on their task from the date of their arrival.[2] There was no reason for delay, since the kingdom of Pergamon had technically become a province with the death of Attalus the Third.[3] The Ephesians indeed even antedated this event, and adopted an era which commenced with the September of the year 134,[4] the reason for this anticipation being the usual Asiatic custom of beginning the civil year with the autumnal equinox. The real point of departure of this new era of Ephesus was either the death of Attalus or the victory of the city over the fleet of Aristonicus. But, though the work of organisation could be entered on at once, its completion was a long and laborious task, and Aquillius himself seems to have spent three years in Asia.[5] The limits of the province, which, like that of Africa, received the name of the continent to which it belonged, required to be defined with reference to future possibilities and the rights of neighbouring kingdoms; the taxation of the country had to be adjusted; and the privileges of the different cities proportioned to their capacity or merits. The law of Aquillius remained in essence the charter of the province of Asia down to imperial times, although subsequent modifications were introduced by Sulla and Pompeius. The new inheritance of the Romans comprised almost all the portion of Asia Minor lying north of the Taurus and west of Bithynia, Galatia and Cappadocia. Even Caria, which had been declared free after the war with Per-

infamem fecit victoriam, quippe cum contra fas deum moresque majorum medicaminibus impuris in id tempus sacrosancta Romana arma violasset.

[1] Strabo xiv. 1. 38 Μάνιος δ' Ἀκύλλιος, ἐπελθὼν ὕπατος μετὰ δέκα πρεσβευτῶν, διέταξε τὴν ἐπαρχίαν εἰς τὸ νῦν ἔτι συμμένον τῆς πολιτείας σχῆμα.

[2] An inscription with the words Μάν[ι]ος Ἀκύ[λ]ιος Μαν[ί]ου ὕπατο[ς] Ῥωμαίων has been found near Tralles. It probably belongs to a milestone (C. I. L. i. n. 557 = C. I. Gr. n. 2920).

[3] Where the rights of *city-states* were in question the lines of demarcation between "province" and "protectorate" were necessarily vague. Even a protectorate over small political units would demand organisation and justify the appointment of a commission.

[4] The evidence is furnished by a Cistophorus of 77 B.C. struck at Ephesus. See Waddington *Fastes* p. 674.

[5] His triumph is dated to 126 B.C. (628 A.U.C., 627 according to the reckoning of the *Fasti*). See *Fasti triumph.* in C. I. L. i.

seus, seems to have again fallen under the sway of the Attalid kings. The monarchy also included the Thracian Chersonese and most of the Aegean islands.[1] But the whole of this territory was not included in the new province of Asia. The Chersonese was annexed to the province of Macedonia,[2] a small district of Caria known as the Peraea and situated opposite the island of Rhodes, became or remained the property of the latter state; in the same neighbourhood the port and town of Telmissus, which had been given to Eumenes after the defeat of Antiochus, were restored to the Lycian confederation.[3] With characteristic caution Rome did not care to retain direct dominion over the eastern portions of her new possessions, some of which, such as Isauria, Pisidia and perhaps the eastern portion of Cilicia, may have rendered a very nominal obedience to the throne of the Attalids. She kept the rich, civilised and easily governed Hellenic lands for her own, but the barbarian interior, as too great and distant a burden for the home government, was destined to enrich her loyal client states. Aquillius and his commissioners must have received definite instructions not to claim for Rome any territory lying east of Mysia, Lydia and Caria; but they seem to have had no instructions as to how the discarded territories were to be disposed of. The consequence was that the kings of the East were soon begging for territory from a Roman commander and his assistants. Lycaonia was the reward of proved service; it was given to the sons of Ariarathes the Fifth, King of Cappadocia, who had fallen in the war.[4] Cilicia is also said to have accompanied this gift, but this no man's land must have been regarded both by donor and recipient as but a nominal boon. For Phrygia proper, or the Greater Phrygia as this country south of Bithynia and west of Galatia was called,[5] there were two claimants.[6] The kings of Pontus and Bithynia competed for the prize, and each supported his petition by a reference to the history of the past. Nicomedes of Bithynia could urge that his grandsire Prusias had maintained an attitude of friendly neutrality during Rome's struggle with Antiochus. The Pontic king, Mithradates Euergetes, advanced a more specious pretext of hereditary right.

[1] Waddington *Fastes* pp. 662 foll. Caria belongs to the province of Asia in 76 B.C. (Le Bas-Waddington, no. 409).
[2] It is dependent on this province in the time of Cicero (*in Pis.* 35. 86).
[3] Strabo xiv. 3. 4.
[4] Justin. xxxvii. i. *Cf.* Bergmann in *Philologus* 1847 p. 642.
[5] Forbiger *Handb. der Alt. Geogr.* ii. p. 338.
[6] Reinach *Mithridate Eupator* p. 43.

Phrygia, he alleged, had been his mother's dowry, and had been given her by her brother, Seleucus Callinicus, King of Syria.[1] We do not know what considerations influenced the judgment of Aquillius in preferring the claim of Mithradates. He may have considered that the Pontic kingdom, as the more distant, was the less dangerous, and he may have sought to attract the loyalty of its monarch by benefits such as had already been heaped on Nicomedes of Bithynia. His political enemies and all who in subsequent times resisted the claim of the Pontic kings, alleged that he had put Phrygia up to auction and that Mithradates had paid the higher price; this transaction doubtless figured in the charges of corruption, on which he was accused and acquitted: and, doubtful as the verdict which absolved him seemed to his contemporaries and successors, we have no proof that the desire for gain was the sole or even the main cause of his decision. Had he considered that the investiture of Nicomedes would have been more acceptable to the home government, the King of Bithynia would probably have been willing to pay an adequate sum for his advocacy. He may have been guilty of a wilful blunder in alienating Phrygia at all. The senate soon discovered his and its own mistake. The disputed territory was soon seen to be worthy of Roman occupation. Strategically it was of the utmost importance for the security of the Asiatic coast, as commanding the heads of the river valleys which stretched westward to the Aegean, while its thickly strewn townships, which opened up possibilities of inland trade, placed it on a different plane to the desolate Lycaonia and Cilicia. It is possible that the capitalist class, on whose support the senate was now relying for the maintenance of the political equilibrium in the capital, may have joined in the protest against Aquillius's mistaken generosity. But, though the government rapidly decided to rescind the decision of its commissioners, it had not the strength to settle the matter once for all by taking Phrygia for itself. A decree of the people was still technically superior to a resolution of the senate; it was always possible for dissentients to urge that the people must be consulted on these great questions of international interest; and Phrygia became, like Pergamon a short time before, the sport of party politics. The rival kings transferred their claims, and possibly their pecuniary offers, from the province to the capital, and

[1] Justin. xxxviii. 5.

the network of intrigue which soon shrouded the question was brutally exhibited by Caius Gracchus when, in his first or second tribunate, he urged the people to reject an Aufeian law, which bore on the dispute. "You will find, citizens," he urged, "that each one of us has his price. Even I am not disinterested, although it happens that the particular object which I have in view is not money, but good repute and honour. But the advocates on both sides of this question are looking to something else. Those who urge you to reject this bill are expecting hard cash from Nicomedes; those who urge its acceptance are looking for the price which Mithradates will pay for what he calls his own; this will be their reward. And, as for the members of the government who maintain a studious reserve on this question, they are the keenest bargainers of all; their silence simply means that they are being paid by every one and cheating every one." This cynical description of the political situation was pointed by a quotation of the retort of Demades to the successful tragedian "Are you so proud of having got a talent for speaking? why, I got ten talents from the king for holding my peace".[1] This sketch was probably more witty than true; condemnation, when it becomes universal, ceases to be convincing, and cynicism, when it exceeds a certain degree, is merely the revelation of a diseased or affected mental attitude. Gracchus was too good a pleader to be a fair observer. But the suspicion revealed by the diatribe may have been based on fact; the envoys of the kings may have brought something weightier than words or documents, only to find that the balance of their gilded arguments was so perfect that the original objection to Phrygia being given to any Eastern potentate was the only issue which could still be supported with conviction. Yet the government still declined to annex. Its hesitancy was probably due to its unwillingness to see a new Eastern province handed over to the equestrian tax-farmers, to whom Caius Gracchus had just given the province of Asia. The fall of Gracchus made an independent judgment by the people impossible, and, even had it been practicable for the Comitia to decide, their judgment must have been so perplexed by rival interests and arguments that they would probably have acquiesced

[1] C. Gracchus *ap.* Gell. xi. 10. *Cf.* Plin. *H. N.* xxxiii. 11. 148 Asia primum devicta luxuriam misit in Italiam . . . At eadem Asia donata multo etiam gravius adflixit mores, inutiliorque victoria illa hereditas Attalo rege mortuo fuit. Tum enim haec emendi Romae in auctionibus regiis verecundia exempta est.

in the equivocal decision of the senate. This decision was that Phrygia should be free.[1] It was to be open to the Roman capitalist as a trader, but not as a collector; it was not to be the scene of official corruption or regal aggrandisement. It was to be an aggregate of protected states possessing no central government of its own. Yet some central control was essential, and this was perhaps secured by attaching Phrygia to the province of Asia in the same loose condition of dependence in which Achaea had been attached to Macedonia. In one other particular the settlement of Aquillius was not final. We shall find that motives of maritime security soon forced Rome to create a province of Cilicia, and it seems that for this purpose a portion of the gift which had been just made to the kings of Cappadocia was subsequently resumed by Rome. The old Pergamene possessions in Western Cilicia were probably joined to some towns of Pamphylia to form the kernel of the new province. When Rome had divested herself of the superfluous accessories of her bequest, a noble residue still remained. Mysia, Lydia and Caria with their magnificent coast cities, rich in art, and inexhaustible in wealth, formed, with most of the islands off the coast,[2] that "corrupting" province which became the favourite resort of the refined and the desperate resource of the needy. Its treasures were to add a new word to the Roman vocabulary of wealth;[3] its luxury was to give a new stimulus to the art of living and to add a new craving or two to the insatiable appetite for enjoyment; while the servility of its population was to create a new type of Roman ruler in the man who for one glorious year wielded the power of a Pergamene despot, without the restraint of kingly traditions or the continence induced by an assured tenure of rule.

The western world witnessed the beginning of an equally remarkable change. On both sides of Italy accident was laying the foundation for a steady advance to the North, and forcing the Romans into contact with peoples, whose subjection would never have been sought except from purely defensive motives. The Iapudes and Histri at the head of the Adriatic were the objects of

[1] Ramsay, *Cities and Bishoprics of Phrygia* i. 2, pp. 423, 762; Reinach *Mithridate Eupator* p. 457.

[2] For the evidence as to the islands, see Waddington *Fastes l.c.*

[3] Regni attalici opes (Justin. xxxviii. 7. 7); Attalicae conditiones (Hor. *Od.* i. 1. 12); Attalicae vestes (Prop. iii. 18. 19) etc. (from Ihne *Röm. Gesch.* v., p. 76).

a campaign of the consul Tuditanus,[1] while four years later Fulvius Flaccus commenced operations amongst the Gauls and Ligurians beyond the Alps,[2] which were to find their completion seventy-five years later in the conquests of Caesar. But neither of these enterprises can be intelligently considered in isolation; their significance lies in the necessity of their renewal, and even the proximate results to which they led would carry us far beyond the limits of the period which we are considering. The events completely enclosed within these limits are of subordinate importance. They are a war in Sardinia and the conquest of the Balearic isles. The former engaged the attention of Lucius Aurelius Orestes as consul in 126 and as proconsul in the following year.[3] It is perhaps only the facts that a consul was deemed necessary for the administration of the island, and that he attained a triumph for his deeds,[4] that justify us in calling this Sardinian enterprise a war. It was a punitive expedition undertaken against some restless tribes, but it was rendered arduous by the unhealthiness of the climate and the difficulty of procuring adequate supplies for the suffering Roman troops.[5] The annexation of the Balearic islands with their thirty thousand inhabitants[6] may have been regarded as a geographical necessity, and certainly resulted in a military advantage. Although the Carthaginians had had frequent intercourse with these islands and a port of the smaller of the two still bears a Punic name,[7] they had done little to civilise the native inhabitants. Perhaps the value attached to the military gifts of the islanders contributed to preserve them in a state of nature; for culture might have diminished that marvellous skill with the sling,[8] which was once at the service of the Carthaginian, and afterwards of the Roman, armies. But, in spite of their prowess, the Baliares were not a fierce people. They would allow no gold or silver to enter their country,[9] probably in order

[1] Liv. *Ep.* lix; App. *Illyr.* 10, *Bell. Civ.* i. 19; Plin. *H. N.* iii. 19. 129; *Fasti triumph.* C. Sempronius C. F. C. N. Tuditan. a. dcxxiv cos. de Iapudibus k. Oct.

[2] Liv. *Ep.* lx; Florus i. 37 (iii. 2); Obsequens 90 (28); Ammian. xv. 12. 5.

[3] Liv. *Ep.* lx; Plut. *C. Gracch.* 1. 2.

[4] *Fasti Triumph.* L. Aurelius L. F. L. N. Orestes pro an. dc*xxxi* cos. ex Sardinia vi Idus Dec. (122 B.C.)

[5] Plut. *C. Gracch.* 2.

[6] Diod. v. 17. 2.

[7] Besides Mago (Mahon), Bocchori and Guiuntum on Majorca, Iamo on Minorca are supposed to be Punic names. See Hübner in Pauly-Wissowa *Real. Enc.* p. 2823. On the islands generally (Baliares, later Baleares of the Romans, Γυμνήσιαι, Βαλιαρεῖς of the Greeks) see the same author's *Römische Heerschaft in Westeuropa* 208 ff.

[8] Strabo iii. v. 1.

[9] Diod. v. 17. 4.

that no temptation might be offered to pirates or rapacious traders.[1] Their civilisation represented the matriarchal stage; their marriage customs expressed the survival of polyandric union; they were tenacious of the lives of their women, and even invested the money which they gained on military service in the purchase of female captives.[2] They made excellent mercenaries, but shunned either war or commerce with the neighbouring peoples, and the only excuse for Roman aggression was that a small proportion of the peaceful inhabitants had lent themselves to piratical pursuits.[3] The expedition was led by the consul Quintus Caecilius Metellus and resulted in a facile conquest. The ships of the invaders were protected by hides stretched above the decks to guard against the cloud of well-directed missiles;[4] but, once a landing had been effected, the natives, clad only in skins, with small shields and light javelins as their sole defensive weapons, could offer no effective resistance at close quarters and were easily put to rout. For the security of the new possessions Metellus adopted the device, still rare in the case of transmarine dependencies, of planting colonies on the conquered land. Palma and Pollentia were founded, as townships of Roman citizens, on the larger island; the new settlers being drawn from Romans who were induced to leave their homes in the south of Spain.[5] This unusual effort in the direction of Romanisation was rendered necessary by the wholly barbarous character of the country; and the introduction into the Balearic isles of the Latin language and culture was a better justification than the easy victory for Metellus's triumph and his assumption of the surname of "Baliaricus".[6] The islands flourished under Roman rule. They produced wine and wheat in abundance and were famed for the excellence of their mules. But their chief value to Rome must have lain in their excellent harbours, and in the welcome addition to the light-armed forces of the empire which was found in their warlike inhabitants.

[1] Hübner in Pauly-Wissowa *Real. Enc. l.c.*

[2] They also purchased wine. They were so φιλογύναι that they would give pirates three or four men as a ransom for one woman (Diod. v. 17).

[3] Strabo *l.c.* οἱ κατοικοῦντες εἰρηναῖοι . . . κακούργων δέ τινων ὀλίγων κοινωνίας συστησαμένων πρὸς τοὺς ἐν τοῖς πελάγεσι λῃστάς, διεβλήθησαν ἅπαντες, καὶ διέβη Μέτελλος ἐπ' αὐτοὺς ὁ Βαλιαρικὸς προσαγορευθείς.

[4] Strabo *l.c.*

[5] Strabo *l.c.* εἰσήγαγε δὲ (Μέτελλος) ἐποίκους τρισχιλίους τῶν ἐκ τῆς Ἰβηρίας Ῥωμαίων.

[6] *Fasti Triumph.* (121 B.C.) Q. Caecilius Q. F. Q. N. Metellus a. dcxxxii Baliaric. procos. de Baliarib.

CHAPTER IV

ROME had lived for nine years in a feverish atmosphere of projected reform; yet not a single question raised by her bolder spirits had received its final answer. The agrarian legislation had indeed run a successful course; yet the very hindrance to its operation at a critical moment had, in the eyes of the discontented, turned success into failure and left behind a bitter feeling of resentment at the treacherous dexterity of the government. The men, in whose imagined interests the people had been defrauded of their coveted land, had by a singular irony of fortune been driven ignominiously from Rome and were now the victims of graver suspicions on the part of the government than on that of the Roman mob. The effect of the late senatorial diplomacy had been to create two hostile classes instead of one. From both these classes the aristocrats drew their soldiers for the constant campaigns that the needs of Empire involved: and both were equally resentful of the burdens and abuses of military service, for which no one was officially directed to suggest a cure. The poorest classes had been given the ballot when they wanted food and craved a less precarious sustenance than that afforded by the capricious benevolence of the rich. The friction between the senatorial government and the upper middle class was probably increasing. The equites must have been casting hungry eyes at the new province of Asia and asking themselves whether commercial interests were always to be at the mercy of the nobility as represented by the senate, the provincial administrators and the courts of justice. It was believed that governors, commissioners and senators were being bought by the gold of kings, and that mines of wealth were being lost to the honest capitalist through the utter corruption of the governing few. The final threats of Tiberius Gracchus were still in the air, and a vast unworked material lay ready to the hand of the aspiring agitator. In

an ancient monarchy or aristocracy of the feudal type, where abuses have become sanctified by tradition, or in a modern nation or state with its splendid capacity for inertia due to the habitual somnolence of the majority of its electors, such questions may vaguely suggest themselves for half a century without ever receiving an answer. But Rome could only avoid a revolution by discarding her constitution. The sovereignty of the people was a thesis which the senate dared not attack; and this sovereignty had for the first time in Roman history become a stern reality. The city in its vastness now dominated the country districts: and the sovereign, now large, now small, now wild, now sober, but ever the sovereign in spite of his kaleidoscopic changes, could be summoned at any moment to the Forum. Democratic agitation was becoming habitual. It is true that it was also becoming unsafe. But a man who could hold the wolf by the ears for a year or two might work a revolution in Rome and perhaps be her virtual master.

It was no difficult task to find the man, for there was one who was marked out by birth, traditions, temperament and genius as the fittest exponent of a cause which, in spite of its intricate complications that baffled the analysis of the ordinary mind, could still in its essential features be described as the cause of the people. It is indeed singular that, in a political civilisation so unkind as the Roman to the merits of youth, hopes should be roused and fear inspired by a man so young and inexperienced as Caius Gracchus. But the popular fancy is often caught by the immaturity that is as yet unhampered by caution and undimmed by disillusion, and by the fresh young voice that has not yet been attuned to the poor half-truths which are the stock-in-trade of the worldly wise. And those who were about Gracchus must soon have seen that the traces of youth were to be found only in his passion, his frankness, his impetuous vigour; no discerning eye could fail to be aware of the cool, calculating, intellect which unconsciously used emotion as its mask, of a mind that could map and plan a political campaign in perfect self-confident security, view the country as a whole and yet master every detail, and then leave the issue of the fight to burning words and passionate appeals. This supreme combination of emotional and artistic gifts, which made Gracchus so irresistible as a leader, was strikingly manifested in his oratory. We are told of the intensity of his mien, the violence of his gestures, the restlessness that forced him to pace the Rostra and pluck the toga from

his shoulder, of the language that roused his hearers to an almost intolerable tension of pity or indignation.[1] Nature had made him the sublimest, because the most unconscious of actors; eyes, tone, gesture all answered the bidding of the magic words.[2] Sometimes the emotion was too highly strung; the words would become coarser, the voice harsher, the faultless sentences would grow confused, until the soft tone of a flute blown by an attendant slave would recall his mind to reason and his voice to the accustomed pitch.[3] Men contrasted him with his gentle and stately brother Tiberius, endowed with all the quiet dignity of the Roman orator, and diverging only from the pure and polished exposition of his cause to awake a feeling of commiseration for the wrongs which he unfolded.[3] Tiberius played but on a single chord; Caius on many. Tiberius appealed to noble instincts, Caius appealed to all, and his Protean manifestations were a symbol of a more complex creed, a wider knowledge of humanity, a greater recklessness as to his means, and of that burning consciousness, which Tiberius had not, that there were personal wrongs to be avenged as well as political ideas to be realised. To a narrow mind the vendetta is simply an act of justice; to an intellectual hater such as Gracchus it is also a work of reason. The folly of crime but exaggerates its grossness, and the hatred for the criminal is merged in an exalting and inspiring contempt. Yet the man thus attuned to passion was, what every great orator must be, a painful student of the most delicate of arts. The language of the successful demagogue seldom becomes the study of the schools; yet so it was with Gracchus. The orators of a later age, whose critical appreciation was purer than their practice, could find no better guide to the aspirant for forensic fame than the speeches of the turbulent tribune. Cicero dwells on the fulness and richness of his flow of words, the grandeur and dignity of the expression, the acuteness of the thought.[4] They seemed to some to lack the finishing touch;[5] which is equivalent to saying that with

[1] Plut. *Ti. Gracch.* 2.

[2] Quae sic ab illo acta esse constabat oculis, voce, gestu, inimici ut lacrimas tenere non possent (Cic. *de Or.* iii. 56. 214).

[3] Plut. *l.c.*

[4] Cic. *Brut.* 33. 125 Sed ecce in manibus vir et praestantissimo ingenio et flagranti studio et doctus a puero, C. Gracchus . . . Grandis est verbis, sapiens sententiis, genere toto gravis. His "impetus" is dwelt on in Tac. *de Orat.* 26.

[5] Cic. *Brut.* 33. 126 Manus extrema non accessit operibus ejus: praeclare inchoata multa, perfecta non plane. *Cf.* Tac. *de Orat.* 18 Sic Catoni seni comparatus C. Gracchus plenior et uberior; sic Graccho politior et ornatior Crassus.

him oratory had not degenerated into rhetoric. The few fragments that survive awaken our wonder, first for their marvellous simplicity and clearness: then, for the dexterous perfection of their form. The balance of the rhythmic clauses never obscures or overloads the sense. Gracchus could tell a tale, like that of the cruel wrongs inflicted on the allies, which could arouse a thrill of horror without also awakening the reflection that the speaker was a man of great sensibility and had a wonderful command of commiserative terminology. He could ask the crowd where he should fly, whether to the Capitol dripping with a brother's blood, or to the home where the widowed mother sat in misery and tears;[1] and no one thought that this was a mere figure of speech. It all seemed real, because Gracchus was a true artist as well as a true man, and knew by an unerring instinct when to pause. This type of objective oratory, with its simple and vivid pictures, its brilliant but never laboured wit, its capacity for producing the illusion that the man is revealed in the utterance, its suggestion of something deeper than that which the mere words convey—a suggestion which all feel but only the learned understand—is equally pleasing to the trained and the unlettered mind. The polished weapon, which dazzled the eyes of the crowd, was viewed with respect even by the cultured nobles against whom it was directed.

Caius's qualities had been tested for some years before he attained the tribunate, and the promise given by his name, his attitude and his eloquence was strengthened by the fact that he had no rival in the popular favour. Carbo was probably on his way to the Optimates, and Flaccus's failure was too recent to make him valuable in any other quality than that of an assistant. But Caius had risen through the opportunities given by the agitation which these men had sustained, although his advance to the foremost place seemed more like the work of destiny than of design. When a youth of twenty-one, he had found himself elevated to the rank of a land commissioner;[2] but this accidental identification with Tiberius's policy was not immediately followed by any action which betrayed a craving for an active political career. He is said to have shunned the Forum, that training school and advertising arena where the aspiring youth of Rome practised their litigious eloquence, and to have lived a life of calm retirement which some

[1] Cic. *de Or.* iii. 56. 214. [2] P. 127.

attributed to fear and others to resentment. It was even believed by a few that he doubted the wisdom of his brother's career.[1] But it was soon found that the leisure which he cultivated was not that of easy enjoyment and did not promise prolonged repose. He was grappling with the mysteries of language, and learning by patient study the art of finding the words that would give to thought both form and wings. The thought, too, must have been taking a clearer shape; for Tiberius had left a heritage of crude ideas, and men were trying to introduce some of these into the region of practical politics. The first call to arms was Carbo's proposal for legalising re-election to the tribunate. It drew from Gracchus a speech in its support, which contained a bitter indictment of those who had been the cause of the "human sacrifice" fulfilled in his brother's murder.[2] Five years later he was amongst the foremost of the opponents of the alien-act of Pennus, and exposed the dangerous folly involved in a jealous policy of exclusion.[3] But the courts of law are said to have given him the first great opportunity of revealing his extraordinary powers to the world. As an advocate for a friend called Vettius, he delivered a speech which seemed to lift him to a plane unapproachable by the other orators of the day. The spectacle of the crowd almost raving with joy and frantically applauding the new-found hero, showed that a man had appeared who could really touch the hearts of the people, and is said to have suggested to men of affairs that every means must be used to hinder Gracchus's accession to the tribunate.[4] The chance of the lot sent him as quaestor with the consul Orestes to Sardinia. It was with joyful hearts that his enemies saw him depart to that unhealthy clime,[5] and to Caius himself the change to the active life of the camp was not unpleasing. He is said still to have dreaded the plunge into the stormy sea of politics, and in Sardinia he was safe from the appeals of the people and the entreaties of his friends.[6] Yet already he had received a warning that there was no escape. While wrestling with himself as to whether he should seek the quaestorship, his fevered mind had conjured up a vision. The phantom of his brother had appeared and addressed him in these

[1] Plut. *C. Gracch.* 1.

[2] C. Gracchus *ap.* Charis. ii. p. 177 Qui sapientem eum faciet? Qui et vobis et rei publicae et sibi communiter prospiciat, non qui pro suilla humanam trucidet.

[3] P. 167. [4] Plut. *l.c.*

[5] *Ibid. Cf.* [Victor] *de Vir. Ill.* 65 Pestilentem Sardiniam quaestor sortitus.

[6] Plut. *l.c.*

words "Why dost thou linger, Caius? It is not given thee to draw back. One life, one death is fated for us both, as defenders of the people's rights." His belief in the reality of this warning is amply attested;[1] but the sense that he was predestined and foredoomed, though it may have given an added seriousness to his life, left him as calm and vigorous as before. Like Tiberius he was within a sphere of his father's influence, and this memory must have stimulated his devotion to his military and provincial duties. He won distinction in the field and a repute for justice in his dealings with the subject tribes, while his simplicity of life and capacity for toil suggested the veteran campaigner, not the tyro from the most luxurious of cities.[2] The extent of the services in Sardinia and neighbouring lands which his name and character enabled him to render to the State, has been perhaps exaggerated, or at least faultily stated, by our authority; but, in view of the unquestioned confidence shown by the Numantines in his brother when as young a man, there is no reason to doubt their reality. It is said that, when the treacherous winter of Sardinia had shaken the troops with chills, the commander sent to the cities asking for a supply of clothing. These towns, which were probably federate communities and exempt by treaty from the requisitions of Rome, appealed to the senate. They feared no doubt the easy lapse of an act of kindness into a burden fixed by precedent. The senate, as in duty bound, upheld their contention; and suffering and disease would have reigned in the Roman camp, had not Gracchus visited the cities in person and prevailed on them to send the necessary help.[3] On another occasion envoys from Micipsa of Numidia are said to have appeared at Rome and offered a supply of corn for the Sardinian army. The request had perhaps been made by Gracchus. To the Numidian king he was simply the grandson of the elder Africanus: and the envoys in their simplicity mentioned his name as the intermediary of the royal bounty. The senate, we are told, rejected the proffered help.[3] The curious parallelism between the present career of Caius and the early activities of his brother must have struck many; to the senate these proofs of energy and devo-

[1] Cic. *de Div.* i. 26. 56 C. vero Gracchus multis dixit, ut scriptum apud eundem Coelium est, sibi in somniis quaesturam petere dubitanti Ti. fratrem visum esse dicere, quam vellet cunctaretur, tamen eodem sibi leto quo ipse interisset esse pereundum. Hoc, ante quam tribunus plebi C. Gracchus factus esset, et se audisse scribit Coelius et dixisse eum multis. *Cf.* Plut. *l.c.*

[2] Plut. *C. Gracch.* 2.

[3] Plut. *l.c.*

tion seemed but the prelude to similar ingenious attempts to capture public favour at home: and their fears are said to have helped them to the decision to keep Orestes for a further year as proconsul in Sardinia.[1] It is possible that the resolution was partly due to military exigencies; the fact that the troops were relieved was natural in consideration of the sufferings which they had undergone, but the retention of the general to complete a desultory campaign which chiefly demanded knowledge of the country, was a wise and not unusual proceeding. It was, however, an advantage that, as custom dictated, the quaestor must remain in the company of his commander. Gracchus's reappearance in Rome was postponed for a year. It was a slight grace, but much might happen in the time.

It was in this latter sense that the move was interpreted by the quaestor. A trivial wrong inflamed the impetuous and resentful nature which expectation and entreaty had failed to move. Stung by the belief that he was the victim of a disgraceful subterfuge, Gracchus immediately took ship to Rome. His appearance in the capital was something of a shock even to his friends.[2] Public sentiment regarded a quaestor as holding an almost filial relation to his superior; the ties produced by their joint activity were held to be indissoluble,[3] and the voluntary departure of the subordinate was deemed a breach of official duty. Lapses in conduct on the part of citizens engaged in the public service, which fell short of being criminal, might be visited with varying degrees of ignominy by the censorship: and it happened that this court of morals was now in existence in the persons of the censors Cn. Servilius Caepio and L. Cassius Longinus, who had entered office in the previous year. The censorian judgments, although arbitrary and as a rule spontaneous, were sometimes elicited by prosecution: and an accuser was found to bring the conduct of Gracchus formally before the notice of the magistrates. Had the review of the knights been in progress after his arrival, his case would have been heard during the performance of this ceremony; for he was as yet but a member of the equestrian

[1] Plut. *l.c.*

[2] *Ibid.* ἀλλὰ καὶ τοῖς πολλοῖς ἀλλόκοτον ἐδόκει τὸ ταμίαν ὄντα προαποστῆναι τοῦ ἄρχοντος.

[3] Cic. *Div. in Caec.* 19. 61 Sic enim a majoribus nostris accepimus praetorem quaestori suo parentis loco esse oportere: nullam neque justiorem neque graviorem causam necessitudinis posse reperiri quam conjunctionem sortis, quam provinciae, quam officii, quam publici muneris societatem.

order, and the slightest disability pronounced against him, had he been found guilty, would have assumed the form of the deprivation of his public horse and his exclusion from the eighteen centuries. But it is possible that, at this stage of the history of the censorship, penalties could be inflicted upon the members of all classes at any date preceding the lustral sacrifice, that the usual examination of the citizen body had been completed, and that Gracchus appeared alone before the tribunal of the censors. His defence became famous;[1] its result is unknown. The trial probably ended in his acquittal,[2] although condemnation would have exercised little influence on his subsequent career, for the ignominy pronounced by the censors entailed no disability for holding a magistracy. But, whatever may have been the issue, Gracchus improved the occasion by an harangue to the people,[3] in which he defended his conduct as one of their representatives in Sardinia. The speech was important for its caustic descriptions of the habits of the nobility when freed from the moral atmosphere of Rome. With extreme ingenuity he worked into the description of the habits of his own official life a scathing indictment, expressed in the frankest terms, of the self-seeking, the luxury, the unnatural vices, the rampant robbery of the average provincial despot. His auditors learnt the details of a commander's environment—the elaborate cooking apparatus, the throng of handsome favourites, the jars of wine which, when emptied, returned to Rome as receptacles of gold and silver mysteriously acquired. Gracchus must have delighted his audience with a subject on which the masses love to dwell, the vices of their superiors. The luridness of the picture must have given it a false appearance of universal truth. It seemed to be the indictment of a class, and suggested that the speaker stood aloof from his own order and looked only to the pure judgment of the people. His enemies tried a new device. They knew that one flaw in his armour was his sympathy with the claims of the allies. Could he be compromised as an agent in that dark conspiracy which had prompted the impudent Italian claims and ended in open rebellion, his credit would be gone, even if his career

[1] A passage from Caius's speech "apud censores" is quoted by Cicero *Orat.* 70. 233.

[2] Plutarch says (*C. Gracch.* 2) that Caius *αἰτησάμενος λόγον οὕτω μετέστησε τὰς γνώμας τῶν ἀκουσάντων, ὡς ἀπελθεῖν ἠδικῆσθαι τὰ μέγιστα δόξας.* The passage seems to imply acquittal by the censors, although *τῶν ἀκουσάντων* suggests the larger audience. The arguments cited by Plutarch as developed by Caius appeared, or were repeated, in the speech that he subsequently made before the people.

[3] Gell. xv. 12.

were not closed by exile. He was accordingly threatened with an impeachment for complicity in the movement which had issued in the outbreak at Fregellae. It is uncertain whether he was forced to submit to the judgment of a court; but we are told that he dissipated every suspicion, and surmounted the last and most dangerous of the obstacles with which his path was blocked.[1] Straightway he offered himself for the tribunate, and, as the day of the election approached, every effort was made by the nobility to secure his defeat. Old differences were forgotten; a common panic produced harmony amongst the cliques; it even seems as if his opponents agreed that no man of extreme views should be advanced against him, for Gracchus in his tribunate had to contend with no such hostile colleague as Octavius. The candidature of an extremist might mean votes for Gracchus: and it was preferable to concentrate support on neutral men, or even on men of liberal views who were known to be in favour with the crowd. The great *clientèle* of the country districts was doubtless beaten up; and we know that, on the other side, the hopes of the needy agriculturist, and the gratitude of the newly established peasant farmer, brought many a supporter to Gracchus from distant Italian homesteads. The city was so flooded by the inrush of the country folk that many an elector found himself without a roof to shelter him, and the place of voting could accommodate only a portion of the crowd. The rest climbed on roofs and tiles, and filled the air with discordant party cries until space was given for a descent to the voting enclosures. When the poll was declared, it was found that the electoral manœuvres of the nobility had been so far successful that Gracchus occupied but the fourth place on the list.[2] But, from the moment of his entrance on office, his predominance was assured. We hear nothing of the colleagues whom he overshadowed. Some may have been caught in the stream of Gracchus's eloquence; others have found it useless or dangerous to oppose the enthusiasm which his proposals aroused, and the formidable combination which he created by the alluring prospects that he held out to the members of the equestrian order. The collegiate character of the magistracy practically sank into abeyance, and his rule was that of a single man. First he gave vent to the passions of the mob by dwelling, as no one had yet dared to do, on the gloomy tragedy of his brother's fall and the cruel persecution

[1] Plut. *C. Gracch.* 3; [Victor] *de Vir. Ill.* 65. [2] Plut. *l.c.*

which had followed the catastrophe. The blood of a murdered tribune was wholly unavenged in a state which had once waged war with Falerii to punish a mere insult to the holy office, and had condemned a citizen to death because he had not risen from his place while a tribune walked through the Forum. "Before your very eyes," he said, "they beat Tiberius to death with cudgels; they dragged his dead body from the Capitol through the midst of the city to cast it into the river; those of his friends whom they seized, they put to death untried. And yet think how your constitution guards the citizen's life! If a man is accused on a capital charge and does not immediately obey the summons, it is ordained that a trumpeter come at dawn before his door and summon him by sound of trumpet; until this is done, no vote may be pronounced against him. So carefully and watchfully did our ancestors regulate the course of justice."[1] A cry for vengeance is here merged in a great constitutional principle; and these utterances paved the way for the measure immediately formulated that no court should be established to try a citizen on a capital charge, unless such a court had received the sanction of the people.[2] The power of the Comitia to delegate its jurisdiction without appeal is here affirmed; the right of the senate to institute an inquisition without appeal is here denied. The measure was a development of a suggestion which had been made by Tiberius Gracchus, who had himself probably called attention to the fact that the establishment of capital commissions by the senate was a violation of the principle of the *provocatio*.[3] Caius Gracchus, however, did not attempt to ordain that an appeal should be possible from the judgment of the standing commissions (*quaestiones perpetuae*); for, though the initiative in the creation of these courts had been taken by the senate, they had long received the sanction of law, and their self-sufficiency was perhaps covered by the principle that the people, in creating a commission, waived its own powers of final jurisdiction. But there were other technical as well as practical disadvantages in instituting an appeal from these commissions. The *provocatio* had always

[1] Plut. *l.c.*

[2] Cic. *pro Rab.* 4. 12 C. Gracchus legem tulit ne de capite civium Romanorum injussu vestro (*sc.* populi) judicaretur. Plut. *C. Gracch.* 4 (*νόμον εἰσέφερεν*) *εἴ τις ἄρχων ἄκριτον ἐκκεκηρύχοι πολίτην, κατ' αὐτοῦ διδόντα κρίσιν τῷ δήμῳ.* Schol. Ambros. p. 370 Quia sententiam tulerat Gracchus, ut ne quis in civem Romanum capitalem sententiam diceret. Cic. *in Cat.* iv. 5. 10; *in Verr.* v. 63. 163. *Cf.* Cic. *pro Sest.* 28. 61; Dio Cass. xxxviii. 14.

[3] P. 135.

been the challenge to the decision of a magistrate; but in these standing courts the actions of the president and of the *judices* who sat with him were practically indistinguishable, and the sentence pronounced was in no sense a magisterial decision. The courts had also been instituted to avoid the clumsiness of popular jurisdiction; but this clumsiness would be restored, if their decision was to be shaken by a further appeal to the Comitia. Gracchus, in fact, when he proposed this law, was not thinking of the ordinary course of jurisdiction at all. He had before his mind the summary measures by which the senate took on itself to visit such epidemics of crime as were held to be beyond the strength of the regular courts, and more especially the manner in which this body had lately dealt with alleged cases of sedition or treason. The investigation directed against the supporters of his brother was the crucial instance which he brought before the people, and it is possible that, at a still later date, the inquiry which followed the fall of Fregellae had been instituted on the sole authority of the senate and had found a certain number of victims in the citizen body. Practically, therefore, Gracchus in this law wholly denied, either as the result of experience or by anticipation, the legality of the summary jurisdiction which followed a declaration of martial law.

In the creation of these extraordinary commissions the senate never took upon itself the office of judge, nor was the commission itself composed of senators appointed by the house. The jurisdiction was exercised by a magistrate at the bidding of the senate, and the court thus constituted selected its assessors, who formed a mere council for advice, at its own discretion. It was plain that, if the law was to be effective, its chief sanction must be directed, not against the corporation which appointed, but against the judge. The responsibility of the individual is the easiest to secure, and no precautions against martial law can be effective if a division of authority, or even obedience to authority, is once admitted. Gracchus, therefore, pronounced that criminal proceedings should be possible against the magistrate who had exercised the jurisdiction now pronounced illegal.[1] The common law of Rome went even further, and pronounced every individual responsible for illegal acts done at the bidding of a magistrate. The crime which the magistrate had committed by the exercise of this forbidden juris-

[1] Plut. *C. Gracch.* 4, quoted p. 199, note 2.

diction was probably declared to be treason: and, as there was no standing court at Rome which took cognisance of this offence, the jurisdiction of the Comitia was ordained. The penalty for the crime was doubtless a capital one, and by ancient prescription such a punishment necessitated a trial before the Assembly of the Centuries. It is, however, possible that Gracchus rendered the plebeian assembly of the Tribes competent to pronounce the capital sentence against the magistrate who had violated the prescriptions of his law. But, although the magistrate was the chief, he appears not to have been the sole offender under the provisions of this bill. In spite of the fact that the senate as a whole was incapable of being punished for the advice which had prompted the magistrate to an illegal course of action, it seems that the individual senator who moved, or perhaps supported, the decree which led to the forbidden jurisdiction, was made liable to the penalties of the law.[1] The operation of the enactment was made retrospective, or was perhaps conceived by its very nature to cover the past abuses which had called it into being; for in a sense it created no new crime, but simply restated the principle of the appeal in a form suited to the proceedings against which it wished to guard. It might have been argued that customary law protected the consul who directed the proceedings of the court which doomed the supporters of Tiberius Gracchus; but the argument, if used, was of no avail. Popillius was to be the witness to all men of the reality of this reassertion of the palladium of Roman liberty. An impeachment was framed against him, and either before or after his withdrawal from Rome, Caius Gracchus himself formulated and carried through the Plebs the bill of interdiction which doomed him to exile.[2] It was in vain that Popillius's young sons and numerous relatives besought the people for mercy.[3] The memory of the outrage was too recent, the joyful sense of the power of retaliation too novel and too strong.

[1] Schol. Ambros. p. 370 (quoted p. 199, note 2). *Cf.* Cic. *pro Sest.* 28. 61 Consule me, cum esset designatus (Cato) tribunus plebis (63 B.C.), obtulit in discrimen vitam suam: dixit eam sententiam cujus invidiam capitis periculo sibi praestandam videbat. Dio Cass. xxxviii. 14.

[2] Cic. *pro Domo* 31. 82 Ubi enim tuleras ut mihi aqua et igni interdiceretur? quod C. Gracchus de P. Popilio . . . tulit. *de Leg.* iii. 11. 26 Si nos multitudinis furentis inflammata invidia pepulisset tribuniciaque vis in me populum, sicut Gracchus in Laenatem . . . incitasset, ferremus. *Cf. pro Cluent.* 35. 95; *de Rep.* i. 3. 6. For the speeches of Caius Gracchus on Popillius see Gell. i. 7. 7; xi. 13. 1. 5.

[3] Cic. *post Red. in Sen.* 15. 37 Pro me non ut pro P. Popilio, nobilissimo homine, adulescentes filii, non propinquorum multitudo populum Romanum est deprecata.

All that was possible was a counter demonstration which should emphasise the sympathy of loyalists with the illustrious victim, and Popillius was escorted to the gates by a weeping crowd.[1] We know that condemnation also overtook his colleague Rupilius,[2] and it is probable that he too fell a victim to the sense of vengeance or of justice aroused by the Gracchan law.

A less justifiable spirit of retaliation is exhibited by another enactment with which Gracchus inaugurated his tribunate, although in this, as in all his other acts, the blow levelled at his enemies was not devoid of a deep political significance. He introduced a proposal that a magistrate who had been deposed by the people should not be allowed to hold any further office.[3] Octavius was the obvious victim, and the mere personal significance of the measure does not necessarily imply that Gracchus was burning with resentment against a man, whose opposition to his brother had rapidly been forgotten in the degradation which he had experienced at that brother's hands. Hatred to the injured may be a sentiment natural to the wrong-doer, but is not likely to be imparted even to the most ardent supporter of the author of the mischief. It were better to forget Octavius, if Octavius would allow himself to be forgotten; but the sturdy champion of the senate, still in the middle of his career, may have been a future danger and a present eyesore to the people: Gracchus's invectives probably carried him and his auditors further than he intended, and the rehabilitation of his brother's tribunate in its integrity may have seemed to demand this strong assertion of the justice of his act. But the legality of deposition by the people was a still more important point. Merely to assert it would be to imply that Tiberius had been wrong. How could it be more emphatically proclaimed than by making its consequences perpetual and giving it a kind of penal character? But the personal aspect of the measure proved too invidious even for its pro-

[1] Diod. xxxv. 26 *ὁ Ποπίλλιος μετὰ δακρύων ὑπὸ τῶν ὄχλων προεπέμφθη ἐκβαλλόμενος ἐκ τῆς πόλεως. Cf.* Plut. *C. Gracch.* 4.

[2] Vellei. ii. 7 Rupilium Popiliumque, qui consules asperrime in Tiberii Gracchi amicos saevierant, postea judiciorum publicorum merito oppressit invidia. It is a little difficult to harmonise Fannius's account of Rupilius's death (*ap.* Cic. *Tusc.* iv. 17. 40) with this condemnation. Here Rupilius is said to have died of grief at his brother's failure to obtain the consulship, and this failure happened before Scipio's death (Cic. *de Am.* 20. 73). But his brother may have continued his unsuccessful efforts up to the time of Rupilius's condemnation.

[3] Plut. *C. Gracch.* 4 *(νόμον) εἰσέφερε . . . εἴ τινος ἄρχοντος ἀφῄρητο τὴν ἀρχὴν ὁ δῆμος, οὐκ ἐῶντα τούτῳ δευτέρας ἀρχῆς μετουσίαν εἶναι. Cf.* Diod. xxxv. 25. Magistrates who had been deposed, or compelled to abdicate, were known as *abacti* (Festus p. 23 Abacti magistratus dicebantur, qui coacti deposuerant imperium).

poser. A voice that commanded his respect was raised against it: and Gracchus in withdrawing the bill confessed that Octavius was spared through the intercession of Cornelia.[1]

So far his legislation had but given an outlet to the justifiable resentment of the people, and a guarantee for the security of their most primitive rights. This was to be followed by an appeal to their interests and a measure for securing their permanent comfort. The wonderful solidarity of Gracchus and his supporters, the crowning triumph of the demagogue which is to make each man feel that he is an agent in his own salvation, have been traced to this constructive legislation for the benefit of classes, which ancient authors, writing under aristocratic prepossessions, have described by the ugly name of bribery.[2] The poor of Rome, if we include in this designation those who lived on the margin as well as those who were sunk in the depths of destitution, probably included the majority of the inhabitants of the town. The city had practically no organised industries. The retail trader and the purveyor of luxuries doubtless flourished; but, in the scanty manufactures which the capital still provided, the army of free labour must have been always worsted by the cruel competition of the cheaper and more skilful slave or freedman. But the poor of Rome did not form the cowed and shivering class that are seen on the streets of a northern capital. They were the merry and vivacious lazzaroni of the pavement and the portico, composite products of many climes, with all the lively endurance of the southerner and intellects sharpened by the ingenious devices requisite for procuring the minimum sustenance of life. Could they secure this by the desultory labour which alone was provided by the economic conditions of Rome, their lot was far from unhappy. As in most ancient civilisations, the poor were better provided with the amenities than with the bare necessities of existence. Although the vast provision for the pleasures of the people, by which the Caesars maintained their popularity, was yet lacking, and even the erection of a permanent theatre was frowned on by the senate,[3] yet

[1] Plut. *l.c.*

[2] Diod. xxxv. 25 *ὁ Γράκχος δημηγορήσας περὶ τοῦ καταλῦσαι ἀριστοκρατίαν, δημοκρατίαν δὲ συστῆσαι, καὶ ἐφικόμενος τῆς ἁπάντων εὐχρηστίας τῶν μερῶν, οὐκέτι συναγωνιστὰς ἀλλὰ καθάπερ αὐθένταις εἶχε τούτους ὑπὲρ τῆς ἰδίας τόλμης. δεδεκασμένος γὰρ ἕκαστος ταῖς ἰδίαις ἐλπίσιν ὡς ὑπὲρ ἰδίων ἀγαθῶν τῶν εἰσφερομένων νόμων ἕτοιμος ἦν πάντα κίνδυνον ὑπομένειν.*

[3] Liv. *Ep.* xlviii (155 B.C.) Cum locatum a censoribus theatrum exstrueretur; P. Cornelio Nasica auctore, tanquam inutile et nociturum publicis moribus, ex senatus consulto destructum est, populusque aliquamdiu stans ludos spectavit.

the capital provided endless excitement for the leisured mind and the observant eye. It was for their benefit that the gladiatorial show was provided by the rich, and the gorgeous triumph by the State; but it was the antics of the nobility in the law courts and at the hustings that afforded the more constant and pleasing spectacle. Attendance at the Contiones and the Comitia not only delighted the eye and ear, but filled the heart with pride, and sometimes the purse with money. For here the units, inconsiderable in themselves, had become a collective power; they could shout down the most dignified of the senators, exalt the favourite of the moment, reward a service or revenge a slight in the perfect security given by the secrecy of the ballot. Large numbers of the poorer class were attached to the great houses by ancestral ties; for the descendants of freedmen, although they could make no legal claim on the house which represented the patron of their ancestors, were too valuable as voting units to be neglected by its representatives, even when the sense of the obligations of wealth, which was one of the best features of Roman civilisation, failed to provide an occasional alleviation for the misery of dependants. From a political point of view, this dependence was utterly demoralising; for it made the recipients of benefits either blind supporters of, or traitors to, the personal cause which they professed. It was on the whole preferable that, if patronage was essential, the State should take over this duty; the large body of the unattached proletariate would be placed on a level with their more fortunate brethren, and the latter would be freed from a dependence which merely served private and selfish interests. A semi-destitute proletariate can only be dealt with in three ways. They may be forced to work, encouraged to emigrate, or partially supported by the State. The first device was impossible, for it was not a submerged fraction with which Rome had to deal, but the better part of the resident sovereign body; the second, although discredited by the senate, had been tried in one form by Tiberius Gracchus and was to be attempted in another shape by Caius; but it is a remedy that can never be perfect, for it does not touch the class, more highly strung, more intelligent, and at the same time more capable of degradation, which the luxury of the capital enthrals. The last device had not yet been attempted. It remained for Gracchus to try it. We have no analysis of his motives; but many provocatives to his modest attempt at state socialism may be suggested. There was first the

Hellenic ideal of the leisured and independent citizen, as exemplified by the state payments and the "distributions" which the great leaders of the old world had thought necessary for the fulfilment of democracy. There was secondly the very obvious fact that the government was reaping a golden harvest from the provinces and merely scattering a few stray grains amongst its subjects. There was thirdly the consideration that much had been done for the landed class and nothing for the city proletariate. Other considerations of a more immediate and economic character were doubtless present. The area of corn production was now small. Sicily was still perhaps beggared by its servile war, and the granary of Rome was practically to be found in Africa. The import of corn from this quarter, dependent as it was on the weather and controlled purely by considerations of the money-market, was probably fitful, and the price must have been subject to great variations. But, at this particular time, the supply must have been diminished to an alarming extent, and the price proportionately raised, by the swarm of locusts which had lately made havoc of the crops of Africa.[1] Lastly, the purely personal advantage of securing a subsidised class for the political support of the demagogue of the moment—a consideration which is but a baser interpretation of the Hellenic ideal—must have appealed to the practical politician in Gracchus as the more impersonal view appealed to the statesman. He would secure a permanent and stable constituency, and guard against the danger, which had proved fatal to his brother, of the absence from Rome of the majority of his supporters at some critical moment.

From the imperfect records of Gracchus's proposal we gather that a certain amount of corn was to be sold monthly at a reduced price to any citizen who offered himself as a purchaser.[2] The rate was fixed at $6\frac{1}{3}$ asses the modius, which is calculated to have been about half the market-price.[3] The monthly distribution would

[1] Liv. *Ep.* lx.; Oros. v. 11; Nitzsch *Die Gracchen* p. 393.

[2] Plut. *C. Gracch.* 5 *ὁ δὲ σιτικὸς (νόμος) ἐπευωνίζων τοῖς πένησι τὴν ἀγορὰν.* App. *Bell. Civ.* i. 21 *σιτηρέσιον ἑμμηνον ὁρίσας ἑκάστῳ τῶν δημοτῶν ἀπὸ τῶν κοινῶν χρημάτων, οὐ πρότερον εἰωθὸς διαδίδοσθαι.* Vellei. ii. 6 Frumentum plebi dari instituerat. Liv. *Ep.* lx Leges tulit, inter quas frumentariam, ut senis et triente frumentum plebi daretur. Schol. Bob. p. 303 Ut senis aeris et trientibus modios singulos populus acciperet. *Cf.* Mommsen *Die römischen Tribus* pp. 179 and 182.

[3] Mommsen (*Hist. of Rome* bk. iv. c. 3) considers it rather less than half. The average market-price of the *modius* is difficult to fix. A low price seems to have been about 12 asses the *modius*. See Smith and Wilkins in Smith *Dict. of*

practically have excluded all but the urban proletariate, and would thus have both limited the operation of the relief to the poor of the city and invited an increase in its numbers. But the details of the measure, which would be decisive as to its economic character, are unknown to us. We are not told what proportion the monthly quantity of grain sold at this cheap rate bore to the total amount required for the support of a family; whether the relief was granted only to the head of a house or also to his adult sons; whether any one who claimed the rights of citizenship could appear at the monthly sale, or only those who had registered their names at some given time. The fact of registration, if it existed, might have been regarded as a stigma and might thus have limited the number of recipients. Some of the economic objections to his scheme were not unknown to Gracchus; indeed they were pressed home vigorously by his opponents. It was pointed out that he was enervating the labourer and exhausting the treasury. The validity of the first objection depends to a large extent on the unknown "data" which we have just mentioned. Gracchus may have maintained that a greater standard of comfort would be secured for the same amount of work. The second objection he was so far from admitting that he asserted that his proposal would really lighten the burdens of the Aerarium.[1] He may have taken the view that a moderate, steady and calculable loss on corn purchased in large quantities, and therefore presumably at a reduced price, would be cheaper in the end than the cost entailed by the spasmodic attempts which the State had to make in times of crisis to put grain upon the market;[2] and there may have been some truth in the idea that, when the State became for the first time a steady purchaser, competition between the publicans of Sicily or the proprietors of Africa might greatly reduce the normal market price. He does not seem to have been disturbed by the consideration that the sale of corn below the market price at Rome was hardly the best way of helping the Italian farmer. The State would certainly buy in the cheapest market, and this was not to be found in Italy. But it is probable that under no circumstances could Rome have become the usual

Antiq. i. p. 877. For occasional sales below the market-price at an earlier period see Plin. *H. N.* xviii. 3. 17 M. Varro auctor est, cum L. Metellus (cos. 251 B.C.) in triumpho plurimos duxit elephantos, assibus singulis farris modios fuisse.

[1] Cic. *Tusc. Disp.* iii. 20. 48 C. Gracchus, cum largitiones maximas fecisset et effudisset aerarium, verbis tamen defendebat aerarium.

[2] P. 72.

market for the produce of the recently established proprietors, and that, except at times of unusual scarcity in the transmarine provinces, imported corn could always have undersold that which was grown in Italy. Under the new system the Italian husbandman would find a purchaser in the State, if Sicily and Africa were visited by some injury to their crops. A vulnerable point in the Gracchan system of sale was exhibited in the fact that no inquiry was instituted as to the means of the applicants. This blemish was vigorously brought home to the legislator when the aged noble, Calpurnius Piso surnamed "the Frugal," the author of the first law that gave redress to the provincials, and a vigorous opponent of Gracchus's scheme, gravely advanced on the occasion of the first distribution and demanded his appropriate share.[1] The object lesson would be wasted on those who hold that the honourable acceptance of relief implies the universality of the gift: that the restraining influences, if they exist, should be moral and not the result of inquisition. But neither the possibility nor the necessity of discrimination would probably have been allowed by Gracchus. It would have been resented by the people, and did not appeal to the statesmanship, widely spread in the Greek and not unknown in the Roman world, which regarded it as one of the duties of a State to provide cheap food for its citizens. The lamentations of a later day over a pauperised proletariate and an exhausted treasury[2] cannot strictly be laid to the account of the original scheme, except in so far as it served as a precedent; they were the consequence of the action of later demagogues who, instructed by Gracchus as to the mode in which an easy popularity might be secured, introduced laws which sanctioned an almost gratuitous distribution of grain. The Gracchan law contained a provision for the building of additional store-houses for the accumulation of the great reserve of corn, which was demanded by the new system of regular public sales, and the Sempronian granaries thus created remained as a witness of the originality and completeness of the tribune's work.[3]

[1] Cic. *Tusc. Disp.* iii. 20. 48.

[2] Cic. *de Off.* ii. 21. 72 C. Gracchi frumentaria magna largitio; exhauriebat igitur aerarium: *pro Sest.* 48. 103 Frumentariam legem C. Gracchus ferebat. Jucunda res plebei; victus enim suppeditabatur large sine labore. *Cf. Brut.* 62. 222. Diod. xxxv. 25 *τὸ κοινὸν ταμιεῖον εἰς αἰσχρὰς καὶ ἀκαίρους δαπάνας καὶ χάριτας ἀναλίσκων εἰς ἑαυτὸν πάντας ἀποβλέπειν ἐποίησε. Cf.* Oros. v. 12.

[3] Plut. *C. Gracch.* 6 *ἔγραψε δὲ καὶ . . . κατασκευάζεσθαι σιτοβόλια.* Festus p. 290 Sempronia horrea qui locus dicitur, in eo fuerunt lege Gracchi, ad custodiam frumenti publici.

The Roman citizen was still frequently summoned from his work, or roused from his lethargy, by the call of military service; and the practice of the conscription fostered a series of grievances, one of which had already attracted the attention of Tiberius Gracchus.[1] Caius was bound to deal with the question: and the two provisions of his enactment which are known to us, show a spirit of moderation which neither justifies the belief that the demagogue was playing to the army, nor accredits the view that his interference relaxed the bonds of discipline amongst the legions.[2] The most scandalous anomaly in the Roman army-system was the miserable pittance earned by the conscript when the legal deductions had been made from his nominal rate of pay. His daily wage was but one-third of the denarius, or five and one-third asses a day, as it had remained unaltered from the times of the Second Punic War, in spite of the fact that the conditions of service were now wholly different and that garrison duty in the provinces for long periods of years had replaced the temporary call-to-arms which the average Italian campaign alone demanded; and from this quota was deducted the cost of the clothing which he wore and, as there is every reason to believe, of the whole of the rations which he consumed. We should have expected a radical reformer to have raised his pay or at least to have given him free food. But Gracchus contented himself with enacting that the soldier's clothing should be given him free of charge by the State.[3] Another military abuse was due to the difficulty which commanders experienced in finding efficient recruits. The young and adventurous supplied better and more willing material than those already habituated to the careless life of the streets, or already engaged in some settled occupation: and, although it is scarcely credible that boys under the age of eighteen were forced to enlist, they were certainly permitted and perhaps encouraged to join the ranks. The law of Gracchus forbade the enlistment of a recruit at an age earlier than the completion of the seventeenth year.[4] These military measures, slight in themselves, were of importance as marking the beginning of the move-

[1] P. 135.

[2] This view is represented in a criticism preserved by Diodorus xxxv. 25 *τοῖς στρατιώταις διὰ τῶν νόμων τὰ τῆς ἀρχαίας ἀγωγῆς αὐστηρὰ καταχαρισάμενος ἀπειθίαν καὶ ἀναρχίαν εἰσήγαγεν εἰς τὴν πολιτείαν.*

[3] Plut. *C. Gracch.* 5 *ὁ δὲ στρατιωτικὸς (νόμος) ἐσθῆτά τε κελεύων δημοσίᾳ χορηγεῖσθαι καὶ μηδὲν εἰς τοῦτο τῆς μισθοφορᾶς ὑφαιρεῖσθαι τῶν στρατευομένων.*

[4] *καὶ νεώτερον ἐτῶν ἑπτακαίδεκα μὴ καταλέγεσθαι στρατιώτην* (Plut. *l.c.*).

ment by which the whole question of army reform, utterly neglected by the government, was taken up and carried out by independent representatives of the people. But a Roman army was to a large extent the creation of the executive power; and it required a military commander, not a tribune, to produce the radical alterations which alone could make the mighty instrument, which had won the empire, capable of defending it.

The last boon of Gracchus to the citizen body as a whole was a new agrarian law.[1] The necessity of such a measure was chiefly due to the suspension of the work of the agrarian commission, which had proved an obstacle to the continued execution of his brother's scheme;[2] and there is every reason for believing that the new Sempronian law restored their judicial powers to the commissioners. But experience may have shown that the substance of Tiberius's enactment required to be supplemented or modified; and Caius adopted the procedure usually followed by a Roman legislator when he renewed a measure which had already been in operation. His law was not a brief series of amendments, but a comprehensive statute, so completely covering the ground of the earlier Sempronian law that later legislation cites the law of Caius, and not that of Tiberius Gracchus, as the authority for the regulations which had revolutionised the tenure of the public land.[3] The new provisions seem to have dealt with details rather than with principles, and there is no indication that they aimed at the acquisition of territory which had been exempted from the operation of the previous measure, or even touched the hazardous question of the rights of Rome to the land claimed by the Italian allies. We cannot attempt to define the extent to which the executive power granted by the new agrarian law was either necessary or effective. Certainly the returns of the census during the next ten years show no increase in the number of registered citizens;[4] but this circumstance may be due to the steps which were soon to be taken by the opponents of the Gracchi to nullify the results of their legislation.

[1] Plut. *l.c.* τῶν δὲ νόμων . . . ὁ μὲν ἦν κληρουχικὸς ἅμα νέμων τοῖς πένησι τὴν δημοσίαν. Liv. *Ep.* lx Tulit . . . legem agrariam, quam et frater ejus tulerat. Vellei. ii. 6 (C. Gracchus) dividebat agros, vetabat quemquam civem plus quingentis jugeribus habere, quod aliquando lege Licinia cautum erat. *Cf.* Cic. *de Leg. Agr.* i. 7. 21; ii. 5. 10; Oros. v. 12; Florus ii. 3 (iii. 15).

[2] P. 158.

[3] *Lex Agraria* (C. I. L. i. n. 200; Bruns *Fontes* 1. 3. 11) l. 6. See p. 113, note 2.

[4] In 125 B.C. the census had been 394,726 (Liv. *Ep.* lx), in 115 it was 394,336 (Liv. *Ep.* lxiii). See de Boor *Fasti Censorii*.

It is possible, however, that the new corn law may have somewhat damped the ardour of the proletariate for a life of agriculture which would have deprived them of its benefits.

The first tribunate of Caius Gracchus doubtless witnessed the completion of these four acts of legislation, by which the debt to his supporters was lavishly paid and their aid was enlisted for causes which could only indirectly be interpreted as their own. But this year probably witnessed as well the promulgation of the enactments which were to find their fulfilment in a second tribunate.[1] Foremost amongst these was one which dealt with the tenure of the judicial power as exercised, not by the magistrate, but by the panels of jurors who were interpreters both of law and fact on the standing commissions which had recently been created by statute. The interest of the masses in this question was remote. A permanent murder court seems indeed to have had its place amongst the commissions; but, even though the corruption of its president had on one occasion been clearly proved,[2] it is not likely that senatorial judges would have troubled to expose themselves to undue influences when pronouncing on the *caput* of a citizen of the lower class. The fact that this justice was administered by the nobility may have excited a certain degree of popular interest; but the question of the transference of the courts from the hands of the senatorial *judices* would probably never have been heard of, had not the largest item in this judicial competence had a decisively political bearing. The Roman State had been as unsuccessful as others of the ancient world in keeping its judicial machinery free from the taint of party influences. It had been accounted one of the surest signs of popular sovereignty that the people alone could give judgment on the gravest crimes and pronounce the capital penalty,[3] and recent political thought had perhaps wholly adapted itself to the Hellenic view that the government of a state must be swayed by the body of men that enforces criminal responsibility in political matters. This vital power was still retained by the Comitia when criminal justice was concerned with those elemental facts which are the condition of the existence of a state. The people still took cognisance of treason in all its degrees—a conception which to the Roman mind embraced almost every possible form of

[1] Herzog *Staatsverf.* i. p. 466.
[2] In 142 B.C. (Cic. *de Fin.* ii. 16. 54).
[3] Polyb. vi. 14 (quoted p. 105.).

official maladministration—and the gloomy record of trials before the Comitia, from this time onward to the close of the Republic, shows that the weapon was exercised as the most forcible implement of political chastisement. But chance had lately presented the opportunity of making the interesting experiment of assimilating criminal jurisdiction in some of its branches to that of the civil courts. The president and jurors of one of the newly established *quaestiones* formed as isolated a group as the *judex* of civil justice with his assessors, or the greater panels of Centumvirs and Decemvirs. They possessed no authority but that of jurisdiction within their special department; there seemed no reason why they should be influenced by considerations arising from issues whether legislative or administrative. But this appearance of detachment was wholly illusory, and the well-intentioned experiment was as vain as that of Solon, when he carefully separated the administrative and judicial boards in the Athenian commonwealth and composed both bodies of practically identical individuals. The new court for the trial of extortion, constituted by the Calpurnian and renewed later by a Junian law, was controlled by a detachment of the governing body which saw in each impeachment a libel on its own system of administration, and in each condemnation a new precedent for hampering the uncontrolled power exercised in the past or coveted for the future by the individual juror. This class spirit may have been more powerful than bribery in its production of suspicious acquittals; and the fact that prosecution was frankly recognised as the commonest of party weapons, and that speeches for the prosecution and defence teemed with irrelevant political allusions, reduced the question of the guilt of the accused to subordinate proportions in the eyes of all the participants in this judicial warfare. Charges of corruption were so recklessly hurled at Rome that we can seldom estimate their validity; but the strong suspicion of bribery is almost as bad for a government as the proved offence; and it was certain that senatorial judges did not yield to the evidence which would have supplied conviction to the ordinary man. Some recent acquittals furnished an excellent text to the reformer. L. Aurelius Cotta had emerged successfully from a trial, which had been a mere duel between Scipio Aemilianus for the prosecution and Metellus Macedonicus for the defence. The judges had shown their resentment of Scipio's influence by acquitting Cotta; and few of the spectators of the struggle seem even to have

pretended to believe in the innocence of the accused.[1] The whole settlement of Asia had been so tainted with the suspicion of pecuniary influences that, when Manius Aquillius successfully ran the gauntlet of the courts,[2] it was difficult to believe that the treasures of the East had not co-operated towards the result, especially as the senate itself by no means favoured some of the features of Aquillius's organisation of the province. The legates of some of the plundered dependencies were still in Rome, bemoaning the verdict and appealing for sympathy with their helpless fellow subjects.[3] Circumstances favoured the reformer; it was possible to bring a definite case and to produce actual sufferers before the people; while the senate, perhaps in consequence of the attitude of some honest dissentients, was unable to make any effectual resistance to the scandal and its consequences.

Had Gracchus thought of restoring this jurisdiction to the Comitia, he would have taken a step which had the theoretical justification that, of all the powers at Rome, the people was the one which had least interest in provincial misgovernment. But it would have been a retrograde movement from the point of view of procedure; it would not necessarily have abolished senatorial influence, and it would not have attained his object of holding the government permanently in check by the political recognition of a class which rivalled the senate in the definiteness of its organisation and surpassed it in the homogeneity of its interests. The body of capitalists who had assumed the titular designation of knights, had long been chafing at the complete subjection of their commercial interests to the caprice of the provincial governor and the arbitrary dispositions of the home government. Tiberius Gracchus, when he revealed the way to the promised land,[4] had probably reflected rather than suggested the ambition of the great business men to have a more definite place in the administration assigned them. His appeal had come too late, or seemed too hopeless of success, to win their support for a reformer who had outraged their feelings as capitalists; but since his death ten years for reflection had elapsed,

[1] Cic. *pro Mur.* 28. 58; *pro Font.* 13. 38; *Brut.* 21. 81; *Div. in Caec.* 21. 69; Tac. *Ann.* iii. 66. Valerius Maximus (viii. 1. 11) can scarcely be correct in saying that the trial took place *apud populum.* It seems to have been a trial for extortion.

[2] App. *Bell. Civ.* i. 22. *Cf.* Cic. *Div. in Caec.* 21. 69 [Ascon.] *in loc.*; App. *Mithr.* 57.

[3] App. *Bell. Civ.* i. 22 οἵ τε πρέσβεις οἱ κατ' αὐτῶν ἔτι παρόντες σὺν φθόνῳ ταῦτα περιόντες ἐκεκράγεσαν.

[4] P. 135.

and they were years which witnessed a vast extension of their potential activity, and aroused an agonised feeling of helplessness at the subordinate part which they played both to senate and people when the disposal of kingdoms was in question. The suggestions for giving them a share in the control of the provincial world may have been numerous, and their variety is reflected in the different plans which Caius Gracchus himself advanced. The system at which his brother had hinted was that of a joint board composed of the existing senators with the addition of an equal number of equites;[1] and we have already suggested the possibility that this House of Six Hundred was intended to be the senate of the future, efficient for all purposes and not exclusively devoted to the work of criminal jurisdiction. The same significance may attach to the scheme, which seems to have been propounded by Caius Gracchus during, or perhaps even before, his first tenure of the tribunate, and appears at intervals in proposals made by reformers down to the time of Sulla. Gracchus is said to have suggested the increase of the senate by the addition of three, or, as one authority states, six hundred members of the equestrian order.[2] The proposal, if it was one for an enlarged senate, and not for a joint panel of *judices*, in which a changing body of equites would act as a check on the permanent senatorial jurors, must soon have been seen to be utterly unsuited to its purpose. It is a scheme characteristic of the aristocrat who is posing as a friend of the mercantile class and hopes to deceive the vigilance of that keen-sighted fraternity. To give the senate a permanent infusion of new blood would be simply to strengthen its authority, while completely cutting away the links which bound the new members to their original class. Even the swamping of the existing body by a two-thirds majority of new members would have been transitory in its effects. The new member of the Curia would soon have shed his old equestrian views and assumed the outlook of his older peers. It might indeed have been possible to devise a system by which the senate would, at the recurring intervals of the *lustra*, have been filled up in equal proportions

[1] P. 135.

[2] Plut. *C. Gracch.* 5 ὁ δὲ δικαστικὸς (νόμος) ᾧ τὸ πλεῖστον ἀπέκοψε τῆς τῶν συγκλητικῶν δυνάμεως . . . ὁ δὲ τριακοσίους τῶν ἱππέων προσκατέλεξεν αὐτοῖς οὖσι τριακοσίοις καὶ τὰς κρίσεις κοινὰς τῶν ἑξακοσίων ἐποίησε. *Cf. Compar.* 2. Liv. *Ep.* lx Tertiam (legem tulit) qua equestrem ordinem, tunc cum senatu consentientem, corrumperet: "ut sexcenti ex equitibus in curiam sublegerentur: et quia illis temporibus trecenti tantum senatores erant, sexcenti equites trecentis senatoribus admiscerentur": id est, ut equester ordo bis tantum virium in senatu haberet.

from ex-magistrates and knights: and in this way a constant supply of middle-class sentiment might have been furnished to the governing body. But even this scheme would have secured to the elected a life-long tenure of power, and this was a fatal obstacle both to the intentions of the reformer and the aspirations of the equestrian order. While the former desired a balance of power, the latter wished that the interests of their class should be enforced by its genuine representatives. Both knew that a participation in the executive power was immaterial, and that all that was needed might be gained by the possession of judicial authority alone. Gracchus's final decision, therefore, was to create a wholly new panel of *judices* which should be made up exclusively from the members of the titular class of knights.[1]

It was not necessary or desirable that the judiciary law should make any mention of a class, or employ the courtesy title of *equites* to designate the new judges. The effect might be less invidiously secured by demanding qualifications which were practically identical with the social conditions requisite for the possession of titular knighthood. One of the determining factors was a property qualification, and this was possibly placed at the modest total of four hundred thousand sesterces.[2] This was the amount of capital which seems at this period to have given its possessor the right of serving on horseback in the army and therefore the claim to the title of *eques*, but it was a sum that did not convey alarming suggestions of government by millionaires, but rather pointed to the upper

[1] Vellei. ii. 6 C. Gracchus . . . judicia a senatu transferebat ad equites. (*Cf.* ii. 13, 32). Tac. *Ann.* xii. 60 Cum Semproniis rogationibus equester ordo in possessione judiciorum locaretur. Plin. *H. N.* xxxiii. 34 Judicum autem appellatione separare eum (equestrem) ordinem primi omnium instituere Gracchi, discordi popularitate in contumeliam senatus. *Cf.* Diod. xxxv. 25; xxxvii. 9; App. *Bell. Civ.* i. 22.

[2] The qualifications of the Gracchan jurors were probably identical with those required for jurors under the extant *lex Repetundarum* (C. I. L. i. n. 198; Bruns *Fontes* i. 3. 10) which is probably the *lex Acilia* (Cic. *in Verr.* Act. i. 17. 51; *cf.* Mommsen in C. I. L. *l.c.*). The conditions fixed by this law are as follows (ll. 12, 13):—Praetor quei inter peregrinos jous deicet, is in diebus x proxumeis, quibus h. l. populus plebesve jouserit, facito utei CDL viros legat, quei in hac civit[ate . . . dum nei quem eorum legat, quei tr. pl., q., iii vir cap., tr. mil. l. iv primis aliqua earum, iii vi]rum a. d. a. siet fueri[tve, queive mercede conductus depugnavit depugnaverit, queive quaestione joudicioque puplico conde]mnatus siet quod circa eum in senatum legei non liceat, queive minor anneis xxx majorve annos lx gnatus siet, queive in urbem Romam propiusve u[rbem Romam passus M domicilium non habeat, queive ejus magistratus, quei supra scriptus est, pater frater filiusve siet, queive ejus, quei in senatu siet fueritve, pater frater filiusve siet, queive trans mar]e erit. (*Cf.* ll. 16, 17). Unfortunately the main qualification for the jurors, which was stated after the words "in hac civitate," has been lost.

middle class as the fittest depositaries of judicial power. Not only were magistrates and ex-magistrates excluded from the Bench, but the disqualification extended to the fathers, brothers and sons of magistrates and of past or present senators. The ostensible purpose of these provisions was doubtless to ensure that the selected jurors should be bound by no tie of kindred to the individuals who would appear before their judgment seat; but they must have had the effect of excluding from the new panel many of the true knights belonging to the eighteen centuries; for this select corps was largely composed of members of the noble families. A similar effect would have been produced by the age qualification. The Gracchan jurors were to be over thirty and under sixty, while a large number of the military *equites* were under the former limit of age, in consequence of the practice of retiring from the corps after the attainment of the quaestorship or selection into the senate. The aristocratic element in the equestrian order, if this latter expression be used in its widest sense to include both the military and civilian knights, was thus rigorously excluded: and there remained but the men whose business interests were in no way complicated by respect for senatorial traditions. The official list of the new jurors (*album judicum*) was probably to be made out annually; and there is every reason to suppose that there was a considerable change of personnel at each revision, since one of the conditions of membership of the panel—residence within a mile of Rome—could hardly have been observed by business men with world-wide interests for any extended period. The conception which still prevailed that judicial service was a burden (*munus*), would alone have led the revising authority to free past jurors from the service: and the practice must have been welcome to the capitalists themselves, many of whom may well have desired the share of power and perhaps of profit which jurisdiction over their superiors conferred. We are told that the selection of the first panel was entrusted to the legislator himself;[1] for the future the Foreign Praetor was to draw up the annual list of four hundred and fifty who were qualified to hear cases of extortion.[2] It is not known whether this was the full num-

[1] Plut. *C. Gracch.* 6 κἀκείνῳ τοὺς κρινοῦντας ἐκ τῶν ἱππέων ἔδωκεν (ὁ δῆμος) καταλέξαι.

[2] The *lex Acilia* says "within ten days of its becoming law" (p. 214, note 2). If Plutarch (*l.c.*) is right about Gracchus selecting the original judices, the provision of this *lex* shows that it cannot be, as some have thought, the law which first *created* the Gracchan jurors. It must have been passed subsequently to Gracchus's own *lex judiciaria*.

ber of the new jurors, or whether there were additional members selected by a different authority for the trial of other offences. It is not probable that the judiciary law of Gracchus imposed the new class of *judices* directly on the civil courts. The *judex* of private law still retained his character of an arbitrator appointed by the consent of the parties, and it would have been improper to restrict this choice to a class defined by statute. But the practical monopoly of jurisdiction in important cases, which senators seem to have acquired, was henceforth broken through, and the *judex* in civil suits was sometimes taken from the equestrian order.[1]

The superficial aspect of this great change seemed full of promise for the future. The ample means of the new jurors might be taken as a guarantee of their purity; their selection from the middle class, as a security of the soundness and disinterestedness of their judgments. Perhaps Gracchus himself was the victim of this hope, and believed that the scourge of the nobility which he had placed in the hands of the knights, might at least be decorously wielded. The judgment of the after-world varied as to the mode in which they exercised their power. Cicero, in advocating the claims of the order to a renewed tenure of authority, could urge that during their possession of the courts for nearly fifty years, their judgments had never been tainted by the least suspicion of corruption.[2] This was a safe assertion if suspicion is only justified by proof; for the Gracchan jurors seem to have been from the first exempted from all prosecution for bribery.[3] This legal exemption is all the more remarkable as Gracchus himself was the author of a law which permitted a criminal prosecution for a corrupt judgment.[4] It is difficult to understand the significance of this enactment, for

[1] In the Ciceronian period we find a knight as a *judex* in a civil case (Cic. *pro Rosc. Com.*. 14. 42), but it is not probable that senators were ever excluded from the civil bench See Greenidge *Legal Procedure of Cicero's Time* p. 265.

[2] Cic. *in Verr.* Act. i. 13. 38.

[3] Cic. *pro Cluent.* 56. 154 Lege . . . quae tum erat Sempronia, nunc est Cornelia (*i.e.* the law mentioned in note 4) . . . intellegebant . . . ea lege equestrem ordinem non teneri. Livius Drusus in 91 B.C. attempted to fix a retrospective liability on the equestrian jurors (Cic. *pro Rab. Post* 7. 16). *Cf.* App. *Bell. Civ.* i. 35. Yet Appian elsewhere (*Bell. Civ.* i. 22) says that the equites obviated trials for bribery *συνιστάμενοι σφίσιν αὐτοῖς καὶ βιαζόμενοι.* It is possible that prosecutions for corruption before the *judicia populi* are meant. See Strachan-Davidson *in loc.*

[4] Cic. *pro Cluent.* 55. 151 Hanc ipsam legem NE QUIS JUDICIO CIRCUMVENIRETUR C. Gracchus tulit; eam legem pro plebe, non in plebem tulit. Postea L. Sulla . . . cum ejus rei quaestionem hac ipsa lege constitueret, . . . populum Romanum . . . alligare novo quaestionis genere ausus non est. 56. 154 Illi non hoc recusabant, ea ne lege accusarentur . . . quae tum erat Sempronia, nunc est Cornelia . . . intellegebant enim ea lege equestrem ordinem non teneri.

the magistrates, against whom it was directed, were in few cases judges of fact, except in the military domain. It could not have referred to the president of a standing commission who was a mere vehicle for the judgment of the jury; but Gracchus probably contemplated the occasional revival of special commissions sanctioned by the people, and it is possible that even the two praetors who presided over the civil courts may have been subject to the operation of the law, which may not have been directed merely against corrupt sentences in criminal matters, as was subsequently the case when the law was renewed by Sulla. It is even possible that the law dates from a period anterior to the creation of the equestrian *judices;* but, even on this hypothesis, the exclusion of the latter from its operation was something of an anomaly; for even the civil *judex* of Rome, on whose analogy the jurors of the standing commissions had been created, was in early times criminally, and at a later period at least pecuniarily, liable for an unjust sentence.[1] We shall elsewhere have occasion to dwell on the value which the equestrian order attached to this immunity, and we shall see that its relief at the freedom from vexatious prosecution is of itself no sign of corruption. One of our authorities does indeed emphatically assert the ultimate prevalence of bribery in the equestrian courts:[2] and circumstances may be easily imagined which would have made this resort natural, if not inevitable. A band of capitalists eager to secure a criminal verdict, which had a purely commercial significance, would scarcely be slow to employ commercial methods with their less wealthy representatives on the Bench, and votes might have been purchased by transactions in which cash payments played no part. But the corruption of individuals was of far less moment than the solidarity of interest and collective cupidity of the mercantile order as a whole. The verdicts of the courts reflected the judgment of the Exchange. It was even possible to create a prosecution[3] simply for the purpose of damning a man who, in the exercise of his authority, had betrayed tendencies which were interpreted as hostile to capitalism.

The future war between the senate and the equites would not have been waged so furiously, had not Gracchus given his favoured class the chance of asserting a positive control, in virtue of an almost official position, over the richest domains of the Roman world. The

[1] Gell. I. xx. 7; Justin. *Inst.* iv. 5. 2. [2] App. *Bell. Civ.* i. 22.
[3] App. *l.c.* κατηγόρους τε ἐνετοὺς ἐπὶ τοῖς πλουσίοις ἐπήγοντο.

fatal bequest of Attalus was still the plaything of parties; but the prize which Tiberius had destined for the people was used by Caius to seal his compact with the knights. The concession, which could not be openly avowed, was accomplished by means so indirect that its meaning must have escaped the majority of the voters who sanctioned it, and its consequences may not have been fully grasped by the legislator himself. The masses who applauded the new law about the province of Asia, may have seen in it but a promise of the increase of their revenues; while the desire of swelling the public finances, which he had so heavily burdened, of putting an end to the anomalous condition of a district which was neither free nor governed, neither protectorate nor province, perhaps even of meeting the wishes of some of the Asiatic provincials, who preferred regular to irregular exactions, may have been combined in the mind of Gracchus with the wish to see the equites confront the senate in yet another sphere. The change which he proposed was one concerned with the taxation of the province. It cannot be determined how far he was responsible for the infliction of new burdens on Rome's Asiatic subjects. The increase of the public revenue, of which he boasted in one of his speeches to the people,[1] the new harbour dues with which he is credited,[2] may point to certain creations of his own; but the end at which he aimed seems to have been mainly a revival of the system of taxation which had been current in the kingdom of the Attalids, accompanied by a new and, as he possibly thought, better system of collection. It could not have been he who first burdened the taxpayer with the payment of tithes; for this method of revenue was of immense antiquity in all Hellenised lands and is not likely to have been unknown to the kings of Pergamon. It is a method that, from its elastic nature, bears less heavily on the agriculturist than that of a direct impost; for the payment is conditioned by the size of the crops and is independent of the changing value of money. The chief objection to the tax, considered in itself and apart from its accompanying circumstances, was the immensity of the revenue which it yielded; the sums exacted by an Oriental despot were unnecessary for the economical administration of Rome; and the Roman administration

[1] C. Gracchus *ap.* Gell. xi. 10 Ego ipse, qui aput vos verba facio, uti vectigalia vestra augeatis, quo facilius vestra commoda et rem publicam administrare possitis, non gratis prodeo.

[2] Vellei. ii. 6. 3 Nova constituebat portoria.

of half a century earlier might have reduced the tithe to a twentieth as it had actually cut down the taxes of Macedonia to one-half of their original amount. Sicily, indeed, furnished an example of the tithe system; but the expenses of a government decrease in proportion to the area of administration, and Sicily could not furnish the ample harbour dues and other payments in money, which should have made the commercial wealth of Asia lighten the burden on the holder of land. The rating of the new province was, in fact, an admission of a change in the theory of imperial taxation. Asia was not merely to be self-supporting; her revenues were to yield a surplus which should supplement the deficit of other lands, or aid in the support of the proletariate of the capital.

The realisation of this principle may not have imposed heavier burdens than Asia had known in the time of her kings. But the fiction that the new dependency was to be maintained in a state of "freedom," which even after the downfall of Aristonicus seems to have exercised some influence on Roman policy, had led to a suspension of regular taxation for the purposes of the central government, which caused the Gracchan proposals to be regarded by certain political circles at Rome in the light of a novelty, and probably of a hardship.[1] They could hardly have borne either character to the Asiatic provincials themselves. The war indemnities and exactions which followed the great struggle, must have been a more grievous burden than the system of taxation to which they were inured: and it is incredible that during the six years which had elapsed since the suppression of the revolt, or even the three years that had passed since the completion of Aquillius's organisation, no revenues had been raised by Rome from her new subjects for administrative purposes. They probably had been raised, but in a manner exasperating because irregular. What was needed was a methodical system, which should abolish at once the fiction of "freedom" and the reality of the exactions meted out at the caprice of the governor of the moment. Such a system was supplied by Gracchus, and it was doubtless reached by the application of the characteristic Roman method of maintaining, whether for good or ill, the principles of organisation which were already in existence in the new dependency.

[1] *Cf.* App. *Bell. Civ.* v. 4 (M. Antonius to the Asiatics) *οὓς . . . ἐτελεῖτε φόρους Ἀττάλῳ, μεθήκαμεν ὑμῖν, μεχρί, δημοκόπων ἀνδρῶν καὶ παρ' ἡμῖν γενομένων, ἐδέησε φόρων, ἐπεὶ δὲ ἐδέησεν . . . μέρη φέρειν τῶν ἑκάστοτε καρπῶν ἐπετάξαμεν.*

The novelty of the Gracchan system lay, not in the manner of taxation, but in the method adopted for securing the returns. The greatest obstacle to the tithe system is the difficulty of instituting an efficient method of collection. To gather in taxes which are paid in kind and to dispose of them to the best advantage, is a heavy burden for a municipality. The desire for a system of contract is sure to arise, and in an Empire the efficient contractor is more likely to be found in the central state than in any of its dependencies. It was of this feeling that Gracchus took advantage when he enacted that the taxes of Asia should be put up for auction at Rome,[1] and that the whole province should be regarded as a single area of taxation at the great auction which the censor held in the capital. It was certain that no foreign competition could prevail in this sale of a kingdom's revenues. The right to gather in the tithes could be purchased only by a powerful company of Roman capitalists. The Decumani of Asia would represent the heart and brain of the mercantile body; they would form a senate and a Principate amongst the Publicani.[2] They would flood the province with their local directors, their agents and their freedmen; and each station would become a centre for a banking business which would involve individuals and cities in a debt, of which the tithe was but a fraction. Nor need their operations be confined to the dominions of Rome; they would spread over Phrygia, rendered helpless by the gift of freedom, and creep into the realms of the neighbouring protected kings, safe in the knowledge that the magic name of "citizen of Rome" was a cover to the most doubtful transaction and a safeguard against the slightest punishment. The collectors were liable to no penalties for extortion, for that crime could be committed only by a Roman magistrate: and their possession of the courts enabled them to raise the spectre of conviction on this very charge before the eyes of any governor who might attempt to check the devastating march of the battalions of commerce.

As merchants and bankers the Knights would be sufficiently protected by the judicial powers of their class; but their operations as speculators in tithes needed another safeguard. The contracts made with the censor would extend over a period of five years,

[1] Fronto *ad Verum* p. 125 (Naber) Gracchus locabat Asiam. Cic. *in Verr.* iii. 6. 12 Inter Siciliam ceterasque provincias, judices, in agrorum vectigalium ratione hoc interest, quod ceteris aut impositum vectigal est certum . . . aut censoria locatio constituta est, ut Asiae lege Sempronia.

[2] Decumani, hoc est, principes et quasi senatores publicanorum (Cic. *in Verr.* ii. 71. 175).

and the keenness of the competing companies would generally ensure to the State the promise of an enormous sum for the privilege of farming the taxes. But the tithe might be reduced in value by a bad harvest or the ravages of war, and the successful company might overreach itself in its eagerness to secure the contract. The power of revising such bargains had once assured to the senate the securest hold which it possessed over the mercantile class.[1] This complete dependence was now to be removed, and Gracchus, while not taking the power of decision from the senate, formulated in his law certain principles of remission which it was expected to observe.[2]

By these indirect and seemingly innocent changes in the relations of the mercantile order to the senate, a new balance of power had been created in the State. The Republic, according to the reflection of a later writer, had been given two heads,[3] and this new Janus, more ominous than the old, was believed to be the harbinger of deadly conflict between the rival powers. In moments of calm Gracchus may have believed that his reforms were but a renewed illustration of that genius for compromise out of which the Roman constitution had grown, and that he had but created new and necessary defences against a recently developed absolutism; but, in the heat of the conflict into which he was soon plunged, his vindictive fancy saw but the gloomier aspect of his new creation, and he boasted that the struggle for the courts was a dagger which he had hurled into the Forum, an instrument which the possessor would use to mangle the body of his opponent.[4]

But even these limitations of senatorial prerogative were not deemed sufficient. A proposal was made which had the ingenious scope of limiting the senate's control over the more important pro-

[1] Polyb. vi. 17.

[2] Schol. Bob. p. 259 Cum princeps esset publicanorum Cn. Plancii pater, et societas eadem in exercendis vectigalibus gravissimo damno videretur adfecta, desideratum est in senatu nomine publicanorum ut cum iis ratio putaretur lege Sempronia, et remissionis tantum fieret de summa pecunia, quantum aequitas postularet, pro quantitate damnorum quibus fuerant hostili incursione vexati (60 B.C.; *cf.* Cic. *ad Att.* i. 17. 9).

[3] Varro *ap.* Non. p. 308 G. Equestri ordini judicia tradidit ac bicipitem civitatem fecit discordiarum civilium fontem. *Cf.* Florus ii. 5 (iii. 17).

[4] Diod. xxxvii. 9 *ἀπειλούσης τῆς συγκλήτου πόλεμον τῷ Γράκχῳ διὰ τὴν μετάθεσιν τῶν κριτηρίων, τεθαρρηκότως οὗτος εἶπεν ὅτι κἂν ἀποθάνω, οὐ διαλείψω τὸ ξίφος ἀπὸ τῆς πλευρᾶς τῶν συγκλητικῶν διηρημένος.* Diodorus has preserved the utterance in a more intelligible form than Cicero (*de Leg.* iii. 9. 20 C. vero Gracchus . . . sicis iis, quas ipse se projecisse in forum dixit, quibus digladiarentur inter se cives, nonne omnem rei publicae statum permutavit?).

vinces in favour of the magistrates, the equestrian order and the people. One of the most valuable items of patronage which the senate possessed was the assignment of the consular provinces. They claimed the right of deciding which of the annual commands without the walls should be reserved for the consuls of the year, and by their disposition in this matter could reward a favourite with wealth or power, and condemn a political opponent to impotence or barren exile. This power had long been employed as a means of coercing the two chief magistrates into obedience to the senate's will, and the equestrian order must have viewed with some alarm the possibility of Asia becoming the prize of the candidates favoured by the nobility. Had Gracchus declared that the direct election to provincial commands should henceforth be in the hands of the people, the change would have been but a slight departure from an admitted constitutional precedent; for there is little more than a technical difference between electing a man for an already ascertained sphere of operations, as had been done in the cases of Terentius Varro and the two Scipios during the Punic wars, and attaching a special command to an individual already elected. But Gracchus preferred the traditional and indirect method. He did not question the right of the senate to decide what provinces should be assigned to the consuls, but he enacted that this decision should be made before these magistrates were elected to office.[1] The people would thus, in their annual choice of the highest magistrates, be electing not only to a sphere of administration at home, but to definite foreign commands as well; the prize which the senate had hitherto bestowed would be indirectly the people's gift, and the nominees of the Comitia would find themselves in possession of departments which were presumably the most important that lay at the disposal of the senate. To secure the finality of the arrangement made by the senate, and to prevent this body subsequently reversing an awkward assignment to which it had unwittingly committed itself, Gracchus ordained that the tribunician veto should not be employed against the senate's decision as to what provinces should be reserved for the

[1] Cic. *pro Domo* 9. 24 Tu provincias consulares, quas C. Gracchus, qui unus maxime popularis fuit, non modo non abstulit a senatu, sed etiam, ut necesse esset quotannis constitui per senatum decretas lege sanxit, eas lege Sempronia per senatum decretas rescidisti. Sall. *Jug.* 27 Lege Sempronia provinciae futuris consulibus Numidia atque Italia decretae. Cic. *de Prov. Cons.* 2. 3 Decernendae nobis sunt lege Sempronia duae (provinciae). *Cf. ad Fam.* i. 7. 10; *pro Balbo* 27. 61.

future consuls;[1] for he knew that the tribune was often the instrument of the government, and that the suspensory veto of this magistrate could cause the question of assignment to drag on until after the consuls were elected, and thus restore to the senate its ancient right of patronage. The change, although it produced the desired results of freeing the magistrates from subservience, the mercantile order from a reasonable fear, and the people from the pain of seeing their favourite nominee rendered useless for the purposes for which he was appointed, cannot be said to have added anything to the efficiency of provincial administration. It may even be regarded as a retrograde step, as the commencement of that system of routine in provincial appointments, which regarded proved capacity for the government and defence of the subjects of Rome as the last qualification necessary for foreign command. The senate in its award may often have been swayed by unworthy motives; but it was sometimes moved by patriotic fears. Of the two consuls it might send the one of tried military ability to a province threatened by war and dismiss the mere politician to a peaceful district. But now, without any regard to present conditions or future contingencies, it was forced to assign departments to men whose very names were unknown. The people, in the exercise of their elective power, were acting almost as blindly as the senate; for the issues of a Roman election were often so ill-defined, its cross-currents, due to personal influence and the power of the canvass, so strong and perplexing, that it was rarely possible to predict the issue of the poll. On the other hand, if there was a candidate so eminent that his return could be predicted as a certainty, the senate might assign some insignificant spheres of administration as the provinces of the future consuls; and thus, in the one case where the decision might be influenced by knowledge and reason, the Gracchan law was liable to defeat its own ends. A further weakness of the enactment, from the point of view of efficiency, was that it made no attempt to alter the mode in which the designated provinces were to be occupied by their claimants. If the consuls could not come to an agreement as to which *provincia* each should hold, the chance of the lot still decided a question on which the future fortunes of the empire might turn.

[1] Cic. *de Prov. Cons.* 7. 17.

. It is a relief to turn from this work of demolition, which in spite of its many justifications is pervaded by a vindictive suspicion, to some great constructive efforts by which Gracchus proved himself an enlightened and disinterested social reformer. He did not view agrarian assignation as an alternative to colonisation, but recognised that the industrial spirit might be awakened by new settlements on sites favourable to commerce, as the agricultural interest had been aroused by the planting of settlers on the desolated lands. Gracchus was, indeed, not the first statesman to employ colonisation as a remedy for social evils; for economic distress and the hunger for land had played their part from the earliest times in the military settlements which Rome had scattered over Italy. But down to his time strategic had preponderated over industrial motives, and he was the first to suggest that colonisation might be made a means of relief for the better classes of the urban proletariate, whose activities were cramped and whose energies were stifled by the crowded life and heated atmosphere of the city. His settlers were to be carefully selected. They were actually to be men who could stand the test of an investigation into character.[1] It seems clear that the new opportunities were offered to men of the lower middle class, to traders of cramped means or of broken fortunes. His other protégés had been cared for in other ways; the urban masses who lived on the margin of destitution had been assisted by the corn law, and the sturdy son of toil could look for help to the agrarian commission. Of the many settlements which he projected for Italy,[2] two which were actually established during his second tribunate[3] occupied maritime positions favourable for commerce. Scylacium, on the bay which lies southward of the Iapygian promontory, was intended to revivify a decayed Greek settlement and to reawaken the industries of the desolated Bruttian coast; while Neptunia was seemingly the name of the new entrepôt which he founded at the head of the Tarentine Gulf. It was apparently established on the land which

[1] The colonists were to be *οἱ χαριέστατοι τῶν πολιτῶν* (Plut. *C. Gracch.* 9).

[2] Liv. *Ep.* lx Legibus agrariis latis effecit ut complures coloniae in Italia deducerentur. *Cf.* Plut. *C. Gracch.* 6. App. *Bell. Civ.* 1. 23; Foundations at Abellinum, Cadatia, Suessa Aurunca etc. are attributed to a *lex Sempronia* or *lex Graccana* in *Liber Coloniarum* (*Gromatici* Lachmann) pp. 229, 233, 237, 238; *cf.* pp. 216, 219, 228, 255. It is difficult to say whether they were products of the Gracchan agrarian or colonial law. In either case, these foundations may have been subsequent to his death, as neither law was repealed.

[3] Vellei. 1. 15 Et post annum (*i.e.* a year after the foundation of Fabrateria, see p. 171) Scolacium Minervium, Tarentum Neptunia (coloniae conditae sunt).

Rome had wrested from Tarentum, and may have originally formed a town distinct from this Greek city, once the great seaport of Calabria, but retaining little of its former greatness since its partial destruction in the Punic wars.[1] Its Hellenism was on the wane, and this decline in its native civilisation may account for the fact that the new and the old foundations seem eventually to have been merged into one, and that Tarentum could receive a purely Latin constitution after the close of the Social War.[2] Its purple fisheries and rich wine-producing territory were worthy objects of the enterprise of Gracchus. Capua was a still greater disgrace to the Roman administration than Tarentum. Its fertile lands were indeed cultivated by lessees of Rome and yielded a large annual produce to the State. But the unredeemed site, on which had stood the pride of Southern Italy, was still a lamentable witness to the jealousy of the conqueror. Here Gracchus proposed to place a settlement[3] which through its commercial promise might amply have compensated for a loss of a portion of the State's domain. Neither he nor his brother had ever threatened the distribution of the territory of Capua, and it is, therefore, probable that in this case he did not contemplate a large agricultural foundation, but rather one that might serve better than the existing village to focus the commerce of the Campanian plain. But the revenue from the domain, and the jealousy of Rome's old and powerful rival, which might be awakened in all classes, were strong weapons in the hands of his opponents, and the renewal of Capua was destined to be the work of a later and more fortunate leader of the party of reform. The colonising effort of Gracchus was plainly one that had the regeneration of Italy, as well as the satisfaction of distressed burgesses, as its object; none of the three sites, on which he proposed to establish his communes of citizens, possessed at the time an urban centre capable of utilising the vast possibilities of the area in which it was placed. But this twofold object was not to be limited to Italy. He dreamed of transmarine enterprise taking a more solid and more generally useful form than that furnished by the vagrant trader or the local agent of the capitalist.[4] The idea and practice of colonisation across the sea were indeed no new ones; isolated foundations for military purposes, such as Palma and Pollentia in the Balearic Isles, were being planted by the direc-

[1] Forbiger *Handb. der Alt. Geogr.* ii. p. 503.
[2] *L'Année Épigraphique*, 1896, pp. 30, 31.
[3] Plut. *C. Gracch.* 8.
[4] Vellei. ii. 6 Novis coloniis replebat provincias. This may be wrong as a fact but true as an intention.

tion of the government. But these were small settlements intended to serve a narrow purpose; they doubtless spread Roman customs and formed a basis for Roman trade; but, if these motives had entered into their foundation, the experiment would have been tried on a far larger scale. In truth the idea of permanent settlement beyond the seas did not appeal either to the Roman character or to the political theories of the governing classes. It is questionable whether an imperial people, forming but a tiny minority amongst its subjects, and easily reaping the fruits of its conquests, could ever take kindly to the adventure, the initial hardships, and the lasting exclusion from the dazzling life of the capital, which are implied in permanent residence abroad. The Roman in pursuit of gain was a restless spirit, who would voyage to any land that was, or was likely to be, under imperial control, establish his banking house and villa under any clime, and be content to spend the most active years of his life in the exploitation of the alien; but to him it was a living truth that all roads led to Rome. The city was the nucleus of enterprise, the heart of commerce; and such sentiment as the trader possessed was centred on the commercial life of the Forum and the political devices on which it fed. Such a spirit is not favourable to true colonisation, which implies a detachment from the affairs of the mother city; and it was not by this means, but rather by the spontaneous evolution of natural centres for the teeming Italian immigrants already settled in the provinces, that the Romanisation of the world was ultimately assisted. Consequently no great pressure had ever been put on the government to induce it to relax the principles which led it to look with indifference or disfavour on the foundation of Roman settlements abroad. There was probably a fear that the establishment of communities of Roman citizens in the provinces might awaken the desire of the subject states to participate in Roman rights. It was deemed better that the highest goal of the provincial's ambition should be the freedom of his state, and that he should never dream of that absorption into the ruling body to which the Italian alone was permitted to aspire. Added to this maxim of statecraft was one of those curious superstitions which play so large a part in imperial politics and attain a show of truth from the superficial reading of history. It was pointed out by the wise that colonies had often proved more potent than their parent states, that Carthage had surpassed Tyre, Massilia Phocaea, Syracuse Corinth, and Cyzicus Miletus. In the same way a daughter

of Rome might wax greater than her mother, and the city that governed Italy might be powerless to cope with a rebellious dependency in the provinces.[1] This was not altogether an idle fear in the earlier days of conquest; for at any period before the war with Pyrrhus a transmarine city of Italian blood and customs might have proved a formidable rival. Nor at the stage which the empire had reached at the time of Gracchus was it without its justification; for Rome was by no means a convenient centre for a government that ruled in Asia as well as in Europe. It is more likely that the dread of rivalry was due to the singular defects of the aspect and environment of Rome, of which its citizens were acutely conscious, rather than to the awkwardness of its geographical position; but, had the latter deficiency been realised, it would be unfair to criticise the narrowness of view which failed to see that the change of a capital does not necessarily involve the surrender of a government. But, whether the objections implied in this superstition were shadowy or well defined, they could not have been lessened by the choice which was made by Gracchus and his friends of the site for their new transmarine settlement. It was none other than Carthage, the city which had been destroyed because the blessings of nature had made a mockery of conquest, the city that, if revived, would be the centre of the granary of Rome. A proposal for the renewal of Carthage under the name of Junonia was formulated by Rubrius, one of the colleagues of Gracchus in his first tribunate.[2] The number of the colonists, which was less than six thousand, was specified in the enactment, and the proportion of the emigrants to the immense territory at his disposal rendered it possible for the legislator to assign unusually large allotments of land. A better and an inferior class of settlers were apparently distinguished, the former of whom were to hold no less than two hundred *jugera* apiece.[3] The recipients of all allotments were to maintain them in absolute ownership, a system of tenure which had hitherto been confined to Italy being thus extended to provincial soil.[4] Caius

[1] Vellei. ii. 7.

[2] Plut. *C. Gracch.* 10 Ῥουβρίου τῶν συναρχόντων ἐνὸς οἰκίζεσθαι Καρχηδόνα γράψαντος ἀνῃρημένην ὑπὸ Σκηπίωνος. . . . *Lex Acilia* l. 22 Queive l. Rubr[ia iii. vir col. ded. creatus siet fueritve]. *Cf. Lex Agraria* l. 59. Oros. v. 12 L. Caecilio Metello et Q. Titio (*Scr.* T. Quinctio) Flaminino coss. Carthago in Africa restitui jussa vicensimo secundo demum anno quam fuerat eversa deductis civium Romanorum familiis, quae eam incolerent, restituta et repleta est. *Cf.* Eutrop. iv. 21.

[3] Mommsen in C. I. L. i. pp. 75 ff.

[4] Mommsen *l.c.* This was the tenure afterwards called that of the *jus Italicum*.

Gracchus and Fulvius Flaccus were named amongst the triumvirs who were to establish the new colony.[1] It is probable that Roman citizens were alone considered eligible for the colonies both in Italy and abroad, when these foundations were first proposed, and that it was not until Gracchus had embarked on his enterprise of enfranchising the Latins, that he allowed them to participate in the benefits of his colonial schemes and thus indirectly acquire full Roman citizenship.[2]

But the commercial life of Italy might be quickened by other means than the establishment of colonies whether at home or abroad. Gracchus saw that the question of rapid and easy communication between the existing towns was all important. The great roads of Rome betrayed their military intent in the unswerving inflexibility of their course. The positions which they skirted were of strategic, but not necessarily of industrial, importance. To bring the hamlet into connection with the township, and the township into touch with the capital, a series of good cross-roads was needed; and it was probably to this object that the law of Gracchus[3] was directed. But ease of communication may serve a political as well as a commercial object. The representative character of the Comitia would be increased by the provision of facilities for the journey to Rome; and perhaps when Gracchus promulgated his measure, there was already before his mind the possibility of the extension of the franchise to the Latins, which would vastly increase the numbers of the rural electorate. In any case, the measure was one which tended to political centralisation, and Gracchus must have known that the attainment of this object was essential to the unity and stability of a popular government.

The great enterprise was carried through with extraordinary rapidity during his second tribunate. But the hastiness of the construction did not impair the beauty of the work. We are told that the roads ran straight and fair through the country districts, showing an even surface of quarried stone and tight-packed earth. Hollows were filled up, ravines and torrent beds were bridged, and mounting-blocks for horsemen lay at short and easy distances on both sides of the level course.[4] Although the initial expense of this construction may have borne heavily on the finances of the State, it is probable that the future maintenance of the roads was provided

[1] Liv. *Ep.* lx; App. *Bell. Civ.* i. 24.
[2] See p. 243, note 3.
[3] Plut. *C. Gracch.* 6; App. *Bell. Civ.* i. 23.
[4] Plut. *C. Gracch.* 7.

for in other ways. The commerce which they fostered may have paid its dues at toll-gates erected for the purpose:[1] and the ancient Roman device of creating a class of settlers on the line of a public road, for the purpose of keeping it in repair,[2] was probably extended. Road-making was often the complement of agrarian assignation,[3] and the two may have been employed concurrently by Gracchus. It was the custom to assign public land on the borders of a highway to settlers, the tenure of which was secured to them and their heirs on condition of keeping the road in due repair. Sometimes their own labour and that of their slaves were reckoned the equivalent of the usual dues; at other times the dues themselves were used by the public authorities for the purpose. Gracchus may thus have turned his agrarian law to an end which was not contemplated by that of Tiberius.

The execution of the law must have been a heavy blow to the power and prestige of the senate. Its control of the purse was infringed and it ceased to be the sole employer of public labour. For Gracchus, in defiance of the principle that the author of a measure should not be its executant,[4] was his own road-maker, as his brother Tiberius had been his own land commissioner. He was the patron of the contractor and the benefactor of the Italian artisan. The bounties which he now gave were the reward of labour, and not subject to the criticism which had attended his earlier efforts for the relief of poverty in Rome; but some pretended to take the sinister view that the bands of workmen by which he was surrounded might be employed for a less innocent purpose than the making of roads.[5]

The proceedings of Gracchus during his first year of office had made it inevitable that he should hold the tribunate for a second time. Enough had been performed to win him the ardent support of the masses; enough had been promised to make his return to office desirable, not only to the people, but to the expectant capitalists. The legal hindrances to re-election had been removed, or

[1] Nitzsch *Die Gracchen* p. 402.

[2] These are apparently the *Viasii vicani* of the *lex Agraria*. Sometimes the service was performed by personal labour (*operae*), at other times a *vectigal* was demanded. See Mommsen in C. I. L. *l.c.*

[3] Cic. *ad Fam.* viii. 6. 5; *cf.* Mommsen *l.c.*

[4] This was prohibited by a *lex Licinia* and a *lex Aebutia* which Cicero (*de Leg. Agr.* ii. 8. 21) calls *veteres tribuniciae*. But it is possible that they were post-Gracchan. See Mommsen *Staatsr.* ii. p. 630.

[5] App. *Bell. Civ.* i. 23 ὁ δὲ Γράκχος καὶ ὁδους ἔτεμνεν ἀνὰ τὴν Ιταλίαν μακράς, πλῆθος ἐργολάβων καὶ χειροτεχνῶν ὑφ' ἑαυτῷ ποιούμενος, ἑτοίμων ἐς ὅ τι κελεύοι.

could be evaded,[1] and the continuity of power, which was essential to the realisation of an adequate programme of reform, could now for the first time be secured. In the present state of public feeling there was little probability of the veto being employed by any one of his future colleagues, although some of these would inevitably be moderates or members of the senatorial party. But Gracchus was eager that his cause should be represented in another department of the State, which presented possibilities of assistance or of mischief, and that the spectacle of the tribunate as the sole focus of democratic sentiment, exalting itself in opposition to the higher magistracies of the people, should, if possible, be averted. In one of his addresses to the commons he said he had to ask a favour of them. Were it granted, he would value it above all things; should they think good to refuse, he would bear no grudge against them. Here he paused; the favour remained undisclosed; and he left popular imagination to revel in the possibilities of his claims. It was a happy stroke; for he had filled the minds of his auditors with a gratifying sense of their own boundless power, and with suspicions of illegal ambitions, with which it was well that they should become familiar, but which one dramatic moment would for the time dispel. His words were interpreted as a request for the consulship: and the prevalent opinion is said to have been that he desired to hold this office in combination with the tribunate. The time for the consular elections was approaching and expectation was roused to its highest pitch, when Gracchus was seen conducting Gaius Fannius into the Forum and, with the assistance of his own friends, accosting the electors in his behalf.[2] The candidate was a man whose political temperament Caius had had full opportunities of studying. As a tribune he had been much under the influence of Scipio Aemilianus,[3] and as he rose slowly through the grades of curule rank,[4] he must still have retained his character as a moderate. He was therefore preferable to any candidate put forward by the optimates: and the influence of Gracchus secured Fannius the consulship almost at the moment when, without the trouble of a canvass or even of a formal candidature, he himself secured his second term of office. His position was further strengthened by the return of the ex-consul Fulvius Flaccus, as one of his colleagues in the tribunate.

[1] P. 165.
[2] Plut. *C. Gracch.* 8.
[3] Cic. *Brut.* 26. 100.
[4] Mommsen in C. I. L. i. p. 158.

It was now, when the grand programme was actually being carried through, and the execution of the most varied measures was being pressed on by a single hand, that the possibilities of personal government were first revealed in Rome. The fiery orator was less to be dreaded than the unwearied man of action, whose restless energy was controlled by a clearness of judgment and concentration of purpose, which could distinguish every item of his vast sphere of administration and treat the task of the moment as though it were the one nearest to his heart. Even those who hated and feared Gracchus were struck with amazement at the practical genius which he revealed; while the sight of the leader in the midst of his countless tasks, surrounded by the motley retinue which they involved, roused the wondering admiration of the masses.[1] At one moment he was being interviewed by a contractor for public works, at another by an envoy from some state eager to secure his mediation; the magistrate, the artisan, the soldier and the man of letters besieged his presence chamber, and each was received with the appropriate word and the kindly dignity, which kings may acquire from training, but men of kingly nature receive from heaven as a seal of their fitness to rule. The impression of overbearing violence which had been given by his speeches, was immediately dispelled by contact with the man. The time of storm and stress had been passed for the moment, and in the fruition of his temporary power the true character of Gracchus was revealed. The pure intellectual enjoyment which springs from the sense of efficiency and the effective pursuit of a long-desired task, will not be shaken by the awkward impediments of the moment. All the human instruments, which the work demands, reflect the value of the object to which they contribute: and Gracchus was saved from the insolent pride of the patrician ruler and the helpless peevishness of the mere agitator whom circumstances have thrust into power, by the fact that his emotional nature was mastered by an intellect which had outlived prejudice and had never known the sense of incapacity. By the very character of its circumstances the regal nature was forced into a style of life which resembled and foreshadowed that of the coming monarchy. The accessibility to his friends and clients of every grade was the pride of the Roman noble, and doubtless Gracchus would willingly have modelled his receptions on the informal pattern which sufficed the proudest patrician at the head of the largest

[1] Plut. *C. Gracch.* 6.

clientèle. But Gracchus's callers were not even limited to the whole of Rome; they came from Italy and the provinces: and it was found to be essential to adopt some rules of precedence, which would produce a methodical approach to his presence and secure each of his visitors an adequate hearing. He was the first Roman, we are told, to observe certain rules of audience. Some members of the crowd which thronged his ante-chamber, were received singly, others in smaller or in larger groups.[1] It is improbable that the mode of reception varied wholly with the official or social rank of those admitted; the nature of the client's business must also have dictated the secrecy or publicity of the interview; but the system must have seemed to his baffled enemies a welcome confirmation of their real or pretended fears—a symptom of the coming, if not actual, overthrow of Republicanism, the suspicion of which might one day be driven even into the thick heads of the gaping crowds, who stood by the portals to gaze at the ever-shifting throng of callers and to marvel at the power and popularity of their leader.

Had Gracchus been content to live in the present and to regard his task as completed, it is just possible that the diverse interests which he had so dexterously welded together might have enabled him to secure, not indeed a continuity of power (for that would have been as strenuously resisted by the middle as by the upper class), but immediate security from the gathering conspiracy, the preservation of his life, and the probability of a subsequent political career. It is, however, difficult to conceive that the position which Gracchus held could be either resigned or forgiven; and, although we cannot credit him with any conscious desire for holding a position not admitted by the laws, yet his genius unconsciously led him to identify the commonwealth with himself, while his mind, as receptive as it was progressive, would not have readily acquiesced in the view that a political creation can at any moment be called complete. The disinterested statesman will cling to power as tenaciously as one devoured by the most sordid ambition: and even on the lowest ground of personal security, the possession of authority is perhaps more necessary to the one than to the other. So indissolubly blended are the power and the projects of a leader, that it is

[1] Seneca *de Ben.* vi. 34. 2 Apud nos primi omnium Gracchus et mox Livius Drusus instituerunt segregare turbam suam et alios in secretum recipere, alios cum pluribus, alios universos. Habuerunt itaque isti amicos primos, habuerunt secundos, numquam veros.

idle to raise the question whether personal motives played any part in the project with which Gracchus was now about to delight his enemies and alienate his friends. He took up anew the question of the enfranchisement of the Italians—a question which the merest political tyro could have told him was enough to doom the statesman who spoke even a word in its favour. But Caius's position was no ordinary one, and he may have regarded his present influence as sufficient to induce the people to accept the unpalatable measure, the success of which might win for himself and his successors a wider constituency and a more stable following. The error in judgment is excusable in one who had never veiled his sympathy with the Italian cause, and had hitherto found it no hindrance to his popularity, but so clear-sighted a man as Gracchus must have felt at times that he was staking, not only his own career, but the fate of the programme and the party which he had built up, on the chance of securing an end, which had ceased to be regarded as the mere removal of an obstacle and had grown to be looked on as the coping-stone of a true reformer's work.

The scope of his proposal[1] was more moderate than that which had been put forward by Flaccus. He suggested the grant of the full rights of citizenship to the Latins, and of Latin rights to the other Italian allies.[2] Italy was thus, from the point of view of private law, to be Romanised almost up to the Alps;[3] while the cities already in enjoyment of some or all of the private privileges of the Roman, were to see the one anomaly removed, which created an invidious distinction between them and the burgess towns, ham-

[1] The name of the law was probably *lex de sociis et nomine Latino*. See Cic. *Brut.* 26. 99.

[2] App. *Bell. Civ.* i. 23 καὶ τοὺς Λατίνους ἐπὶ πάντα ἐκάλει τὰ Ῥωμαίων, ὡς οὐκ εὐπρεπῶς συγγενέσι τῆς βουλῆς ἀντιστῆναι δυναμένης· τῶν δὲ ἑτέρων συμμάχων οἷς οὐκ ἐξῆν ψῆφον ἐν ταῖς Ῥωμαίων χειροτονίαις φέρειν, ἐδίδου φέρειν ἀπὸ τοῦδε, ἐπὶ τῷ ἔχειν καὶ τούσδε ἐν ταῖς χειροτονίαις τῶν νόμων αὐτῷ συντελοῦντας. The words ψῆφον κ.τ.λ. refer to the limited suffrage granted to Latin *incolae* (Liv. xxv. 3. 16); but the voting power of his new Latins would be so small that the motive attributed to this measure by Appian is improbable. See Strachan-Davidson *in loc.* Other accounts of Gracchus's proposal ignore this distinction between Latins and Italians, *e.g.* Plutarch (*C. Gracch.* 5) describes his law as ἰσοψήφους ποιῶν τοῖς πολίταις τοὺς Ἰταλιώτας and Velleius says (ii. 6) Dabat civitatem omnibus Italicis.

[3] If we may trust Velleius (ii. 6) Dabat civitatem omnibus Italicis, extendebat eam paene usque Alpis. Cisalpine Gaul was not yet a separate province, but it was not regarded as a part of Italy. The Latin colonies between the Padus and the Rubicon would certainly have received Roman rights, and this may have been the case with a Latin township north of the Padus such as Aquileia. But it is doubtful whether Latin rights would have been given to the towns between the Padus and the Alps. These *Transpadani* received *Latinitas* in 89 B.C. (Ascon. *in Pisonian.* p. 3).

pered their commerce, and imperilled their landed possessions. The proposal had the further advantage that it took account of the possible unwillingness of many of the federate cities to accept the Roman franchise; such a refusal was not likely to be made to the offer of Latin rights: for the Latin community was itself a federate city with its own laws, magistrates and courts, and the sense of autonomy would be satisfied while many of the positive benefits of Roman citizenship would be gained. Grades of privilege would still exist in Italy, and a healthy discontent might in time be fostered, which would lead all Italian communities to seek absorption into the great city. Past methods of incorporation might be held to furnish a precedent; the scheme proposed by Gracchus was hardly more revolutionary than that which had, in the third and at the beginning of the second centuries, resulted in the conferment of full citizenship on the municipalities of half-burgesses. It differed from it only in extending the principle to federate towns; but the rights of the members of the Latin cities bore a close resemblance to those of the old *municipes*, and they might easily be regarded as already enjoying the partial citizenship of Rome. The conferment of this partial citizenship on the other Italians, while in no way destroying local institutions or impairing local privileges, would lead to the possibility of a common law for the whole of Italy, would enable every Italian to share in the benefits of Roman business life, and appear in the court of the urban praetor to defend such rights as he had acquired, by the use of the forms of Roman law. The tentativeness of the character of Gracchus's proposal, while recommending it as in harmony with the cautious spirit of Roman development which had worked the great changes of the past, may also have been dictated by the feeling that the more moderate scheme stood a better chance of acceptance by the mob of Rome. All he asked was that the grievances which had led to the revolt of Fregellae, and the dangers revealed by that revolt, should be removed. The numbers of the added citizens would not be overwhelming; for the majority of Italians all that was asked was the possession of certain private rights, which had been so ungrudgingly granted to communities in the past. Throughout the campaign he probably laid more stress on the duty of protecting the individual than on the right of the individual to power. And the fact that the protection was demanded, not against the Roman State, but against an oppressive nobility that

disgraced it by a misuse of its powers, gave a democratic colouring to the demand, and suggested a community of suffering, and therefore of sympathy, between the donors and recipients of the gift. Even before his franchise law was before the world, he seems to have been engaged in educating his auditors up to this view of the case; for it was probably in the speeches with which he introduced his law for the better protection of the life of the Roman citizen,[1] that he illustrated the cruel caprice of the nobility by grisly stories of the sufferings of the Italians. He had told of the youthful legate who had had a cow-herd of Venusia scourged to death, as an answer to the rustic's jesting query whether the bearers of the litter were carrying a corpse: and of the consul who had scourged the quaestor of Teanum Sidicinum, the man of noblest lineage in his state, because the men's baths, in which the consul's wife had elected to bathe, were not adequately prepared for her reception.[2] Since the objections of the populace to the extension of the franchise were the result of prejudice rather than of reason, they might be weakened if the sense of jealousy and distrust could be diverted from the people's possible rivals to the common oppressors of Rome and Italy.

The appeal to sentiment might have been successful, had not the most sordid passions of the mob been immediately inflamed by the oratory of the opponents of the measure. The most formidable of these opponents was drawn from the ranks of Gracchus's own supporters; for the franchise question had again proved a rock which could make shipwreck of the unity of the democratic party. His *protégé*, the consul Fannius, was not ashamed to appeal to the most selfish instincts of the populace. "Do you suppose," he said, "that, when you have given citizenship to the Latins, there will be any room left for you at public gatherings, or that you will find a place at the games or festivals? Will they not swamp everything with their numbers?"[3] Fannius, as a moderate, was an excellent exponent of senatorial views, and it was believed that many noble hands had collaborated in the crushing speech which inflicted one of its death-blows on the Gracchan proposal.[4]

The opportunity for active opposition had at last arrived, and the senate was emboldened to repeat the measure which four years

[1] P. 199. [2] C. Gracch. *ap.* Gell. x. 3. 3.

[3] Fann. *ap.* Jul. Victor 6. 6. A speech of Fannius as consul against Caius Gracchus is also mentioned by Charisius p. 143 *Keil.*

[4] Cic. *Brut.* 26. 99.

earlier had swept the aliens out of Rome. Perhaps in consequence of powers given by the law of Pennus, the consul Fannius was empowered to issue an edict that no Italian, who did not possess a vote in the Roman assemblies, should be permitted within five miles of Rome at the time when the proposal about the franchise was to be submitted to the Comitia.[1] Caius answered this announcement with a fiery edict of his own, in which he inveighed against the consul and promised his tribunician help to any of the allies who chose to remain in the city.[2] The power which he threatened to exercise was probably legal, since there is no reason to suppose that the tribunician *auxilium* could be interposed solely for the assistance of members of the citizen body;[3] but he must have known that the execution of this promise was impracticable, since the injured party could be aided only by the personal interposition of the tribune, and it was clear that a single magistrate, burdened with many cares, and living a life of the most varied and strenuous activity, could not be present in every quarter of Rome and in a considerable portion of the surrounding territory. Even the co-operation of his ardent colleague Flaccus could not have availed for the protection of many of his Italian friends, and the course of events so soon taught him the futility of this means of struggling for Italian rights that when, somewhat later in the year, one of his Italian friends was seized by a creature of Fannius before his eyes, he passed by without an attempt at aid. His enemies, he knew, were at the time eager for a struggle in which, when they had isolated him from his Italian supporters, physical violence would decide the day: and he remarked that he did not wish to give them the pretext for the hand-to-hand combat which they desired.[4] One motive, indeed, of the invidious edict issued by the consul seems to have been to leave Gracchus to face the new position which his latest proposal had created, without any external help; but as external help, if successfully asserted, could only have taken the form of physical violence, there was reasonable ground for holding that the decree excluding the Italians was the only means

[1] App. *Bell. Civ.* i. 23.

[2] Plut. *C. Gracch.* 12 *ἀντεξέθηκεν ὁ Γάϊος διάγραμμα κατηγορῶν τοῦ ὑπάτου, καὶ τοῖς συμμάχοις, ἂν μένωσι, βοηθήσειν ἐπαγγελλόμενος.* The invective may have been directed against Fannius. According to Appian (*l.c.*) both consuls had been instructed by the senate to issue the edict.

[3] If it had been hampered in this way, the judicial protection of *peregrini* against the judgments of the Praetor Peregrinus would have been impossible.

[4] Plut. *C. Gracch.* 12.

of preventing a serious riot or even a civil war. The senate could scarcely have feared the moral influence of the Italians on the voting populace of Rome, and they knew that, in the present state of public sentiment, the constitutional means of resistance which had failed against Tiberius Gracchus might be successfully employed against his brother. The whole history of the first tribunate of Caius Gracchus proves the frank recognition of the fact that the tribunician veto could no longer be employed against a measure which enlisted anything like the united support of the people; but, like all other devices for suspending legislation, its employment was still possible for opponents, and welcome even to lukewarm supporters, when the body politic was divided on an important measure and even the allies of its advocate felt their gratitude and their loyalty submitted to an unwelcome strain. Resistance by means of the intercession did not now require the stolid courage of an Octavius, and when Livius Drusus threatened the veto,[1] there was no question of his deposition. Some nerve might have been required, had he made this announcement in the midst of an excited crowd of Italian postulants for the franchise; but from this experience he was saved by the precautionary measure taken by the senate. It is probable that Drusus's announcement caused an entire suspension of the legal machinery connected with the franchise bill, and that its author never ventured to bring it to the vote.

It is possible that to this stage of Gracchus's career belongs a proposal which he promulgated for a change in the order of voting at the Comitia Centuriata. The alteration in the structure of this assembly, which had taken place about the middle of the third century, had indeed done much to equalise the voting power of the upper and lower classes; but the first class and the knights of the eighteen centuries were still called on to give their suffrage first, and the other classes doubtless voted in the order determined by the property qualification at which they were rated. As the votes of each century were separately taken and proclaimed, the absolute majority required for the decisions of the assembly might be attained without the inferior orders being called on to express their judgment, and it was notorious that the opinion of later voters was profoundly influenced by the results already announced. Gracchus

[1] App. *Bell. Civ.* i. 23.

proposed that the votes of all the classes should be taken in an order determined solely by the lot.[1] His interest in the Comitia Centuriata was probably due to the fact that it controlled the consular elections, and a democratic consulship, which he had vainly tried to secure by his support of Fannius, might be rendered more attainable by the adoption of the change which he advocated. The great danger of the coming year was the election of a consul strongly identified with the senatorial interest—of a man like Popillius who would be keen to seize some moment of reaction and attempt to ruin the leaders of the reform movement, even if he could not undo their work. It is practically certain that this proposal of Gracchus never passed into law, it is questionable whether it was ever brought before the Comitia. The reformer was immediately plunged into a struggle to maintain some of his existing enactments, and to keep the favour of the populace in the face of insidious attempts which were being made to undermine their confidence in himself.

The senate had struck out a new line of opposition, and they had found a willing, because a convinced, instrument for their schemes. It is inconceivable that a council, which reckoned within itself representatives of all the noblest houses at Rome, should not have possessed a considerable number of members who were influenced by the political views of a Cato or a Scipio, or by the lessons of that humanism which had carried the Gracchi beyond the bounds of Roman caution, but which might suffuse a more conservative mind with just sufficient enlightenment to see that much was wrong, and that moderate remedies were not altogether beyond the limits of practicability. But this section of senatorial opinion could find no voice and take no independent action. It was crushed by the reactionary spirit of the majority of the peers, and frightened at the results to which its theories seem to lead, when their cautious qualifications, never likely to find acceptance with the masses, were swept away by more thorough-going advocates. But the voice, which the senate kept stifled during the security of its rule, might prove valuable in a crisis. The moderate might be put forward to outbid the extremist; for his moderation would

[1] [Sall.] *de Rep. Ord.* ii. 8 Magistratibus creandis haud mihi quidem apsurde placet lex quam C. Gracchus in tribunatu promulgaverat, ut ex confusis quinque classibus sorte centuriae vocarentur. Ita coaequatus dignitate pecunia, virtute anteire alius alium properabit.

certainly lead him to respect the prejudices of the mob, while any excesses, which he was encouraged or instructed to commit, need not touch the points essential to political salvation, and might be corrected, or left to a natural dissolution, when the crisis had been passed and the demagogue overthrown. The instrument chosen by the senate was Marcus Livius Drusus,[1] the tribune who had threatened to interpose his veto on the franchise bill. There is no reason why the historian should not treat the political attitude of this rival of Gracchus as seriously as it seems to have been treated by Drusus's illustrious son, who reproduced, and perhaps borrowed from his father's career, the combination of a democratic propaganda, which threw specious unessentials to the people, with the design of maintaining and strengthening the rule of the nobility. The younger Drusus was, it is true, a convert to the Italian claims which his father had resisted; but even this advocacy shows development rather than change, for the party represented by the elder Drusus was by no means blind to the necessity for a better security of Italian rights. The difference between the father and the son was that the one was an instrument and the other an agent. But a man who is being consciously employed as an instrument, may not only be thoroughly honest, but may reap a harvest of moral and mental satisfaction at the opportunities of self-fulfilment which chance has thrown in his way. The position may argue a certain lack of the sense of humour, but is not necessarily accompanied by any conscious sacrifice of dignity. Certainly the public of Rome was not in the secret of the comedy that was being played. It saw only a man of high birth and aristocratic culture, gifted with all the authority which great wealth and a command of dignified oratory can give,[2] approaching them with bounties greater in appearance than those which Gracchus had recently been willing to impart, attaching no conditions to the gift and, though speaking in the name of the senate, conveying no hint of the deprivation of any of the privileges that had so recently been won. And the new largess was for the Roman people alone; it was not depreciated by the knowledge that the blessings, which it conferred or to which it was added, would be shared by rivals from every part of Italy.

An aspirant for favour, who wished to enter on a race with the

[1] Plut. *C. Gracch.* 8.

[2] Vir et oratione gravis et auctoritate (Cic. *Brut.* 28. 109) ἤθει δὲ καὶ λόγῳ καὶ πλούτῳ τοῖς μάλιστα τιμωμένοις καὶ δυναμένοις ἀπὸ τούτων ἐνάμιλλος (Plut. *C. Gracch.* 8).

recent type of popular leader, must inevitably think of provision for the poor; but a mere copy or extension of the Gracchan proposals was impossible. No measure that had been fiercely opposed by the senate could be defended with decency by the representative, and, as Drusus came in after time to be styled, the "advocate" of that body.[1] Such a scheme as an extension of the system of corn distribution would besides have shocked the political sense both of the patron and his clients, and would not have served the political purposes of the latter, since such a concession could not easily have been rescinded. The system of agrarian assignation, in the form in which it had been carried through by the hands of the Gracchi, had at the moment a complete machinery for its execution, and there was no plausible ground for extending this measure of benevolence. The older system of colonisation was the device which naturally occurred to Drusus and his advisers, and the choice was the more attractive in that it might be employed in a manner which would accentuate certain elements in the Gracchan scheme of settlement that had not commended themselves to public favour. The masses of Rome desired the monopoly of every prize which the favourite of the moment had to bestow; but Gracchus's colonies were meant for the middle class, not for the very poor, and the preliminary to membership of the settlements was an uncomfortable scrutiny into means, habits and character.[2] The masses desired comfort. Capua may have pleased them, but they had little liking for a journey across the sea to the site of desolated Carthage. The very modesty of Gracchus's scheme, as shown in the number of the settlements projected and of the colonists who were to find a home in each, proved that it was not intended as a benefit to the proletariate as a whole. Drusus came forward with a proposal for twelve colonies, all of which were probably to be settled on Italian and Sicilian soil;[3] each of these foundations was to provide for three thousand settlers, and emigrants were not excluded on the ground of poverty. An oblique reflection on the disinterestedness of Gracchus's efforts was further given in the clause which created the commissioners for the foundation of these new colonies. Drusus's name did not appear in the list. He asked nothing for

[1] Suet. *Tib.* 3 Ob eximiam adversus Gracchos operam "patronus senatus" dictus.

[2] Plut. *C. Gracch.* 9.

[3] App. *Bell. Civ.* i. 35. See p. 283, note.

himself, nor would he touch the large sums of money which must flow through the hands of the commissioners for the execution of so vast a scheme.[1] The suspicion of self-seeking or corruption was easily aroused at Rome, as it must have been in any state where such large powers were possessed by the executive, and where no control of the details of execution or expenditure had ever been exercised by the people; and Gracchus's all-embracing energy had betrayed him into a position, which had been accepted in a moment of enthusiasm, but which, disallowed as it was by current sentiment and perhaps by the law,[2] might easily be shaken by the first suggestion of mistrust.

The scheme of Drusus, although it proved a phantom and perhaps already possessed this elusive character when the senate pledged its credit to the propounder of the measure, was of value as initiating a new departure in the history of Roman colonisation. Even Gracchus had not proposed to provide in this manner for the dregs of the city, and the first suggestion for forming new foundations simply for the object of depleting the plethora of Rome—the purpose real or professed of many later advocates of colonisation—was due to the senate as an accident in a political game, to Drusus perhaps as the result of mature reflection. Since his proposal, which was really one for agrarian assignation on an enormous scale, was meant to compete with Gracchus's plan for the founding of colonies, it was felt to be impossible to burden the new settlers with the payment of dues for the enjoyment of their land. Gracchus's colonists were to have full ownership of the soil allotted to them, and Drusus's could not be placed in an inferior position. But the existence of thirty-six thousand settlers with free allotments would immediately suggest a grievance to those citizens who, under the Gracchan scheme of land-assignment, had received their lots subject to the condition of the payment of annual dues to the State. If the new allotments were to be declared free, the burden must be removed from those which had already been distributed.[3] Drusus and the senate thus had a logical ground for the step which seems to have been taken, of relieving all the land which had been distributed since the tribunate of the elder Gracchus from the pay-

[1] Plut. *C. Gracch.* 10.

[2] P. 229, note 4.

[3] Plut. *C. Gracch.* 9 Λίβιος δὲ καὶ τὴν ἀποφορὰν ταύτην (which had been imposed by the Gracchan laws) τῶν νειμαμένων ἀφαιρῶν ἤρεσκεν αὐτοῖς. The tense of νειμαμένων seems to show that the Gracchan as well as the Livian settlers are meant. See Underhill *in loc.* In any case, the reimposition of the *vectigal* on the allotments by the law of 119 (App. *Bell. Civ.* i. 27) proves that it had been remitted before this date.

ment of *vectigal*. It was a popular move, but it is strange that the senate, which was for the most part playing with promises, should have made up its mind to a definite step, the taking of which must have seriously injured the revenues of the State. But perhaps they regarded even this concession as not beyond recall, and they may have been already revolving in their minds those tortuous schemes of land-legislation, which in the near future were to go far to undo the work of the reformers.

The senate also permitted Drusus to propose a law for the protection of the Latins, which should prove that the worst abuses on which Gracchus dwelt might be removed without the gift of the franchise. The enactment provided that no Latin should be scourged by a Roman magistrate, even on military service.[1] Such summary punishment must always have been illegal when inflicted on a Latin who was not serving as a soldier under Roman command and was within the bounds of the jurisdiction of his own state; the only conceivable case in which he could have been legally exposed to punishment at the hands of Roman officials in times of peace, was that of his committing a crime when resident or domiciled in Rome. In such circumstances the penalty may have been summarily inflicted, for the Latins as a whole did not possess the right of appeal to the Roman Comitia.[2] The extension of the magisterial right of coercion over the inhabitants of Latin towns, and its application in a form from which the Roman citizen could appeal, were mere abuses of custom, which violated the treaties of the Latin states and were not first forbidden by the Livian law. But the declaration that the Latin might not be scourged by a Roman commander even on military service, was a novelty, and must have seemed a somewhat startling concession at a time when the Roman citizen was himself subject to the fullest rigour of martial law. It was, however, one that would appeal readily to the legal mind of Rome, for it was a different matter for a Roman to be subject to the martial law of his own state, and for the member of a federate community to be subjected to the code of this foreign power. It was intended that henceforth the Latin should suffer at least the degrading punishment of scourging only after the jurisdiction and on the bidding of his own native commander; but it cannot be determined whether

[1] ὅπως μηδ' ἐπὶ στρατείας ἔξῃ τινα Λατίνων ῥάβδοις αἰκίσασθαι (Plut. *C. Gracch.* 9).

[2] The *lex Acilia Repetundarum* grants them the right of appeal as an alternative to citizenship as a reward for successful prosecution. *Cf.* the similar provision in the franchise law of Flaccus (p. 168).

he was completely exempted from the military jurisdiction of the Roman commander-in-chief—an exemption which might under many circumstances have proved fatal to military discipline and efficiency. There is every reason to suppose that this law of Drusus was passed, and some reason to believe that it continued valid until the close of the Social War destroyed the distinctions between the rights of the Latin and the Roman. Its enactment was one of the cleverest strokes of policy effected by Drusus and the senate; for it must have satisfied many of the Latins, who were eager for protection but not for incorporation, while it illustrated the weakness, and as it may have seemed to many, the dishonesty, of Gracchus's seeming contention that abuses could only be remedied by the conferment of full political rights. The whole enterprise of Drusus fully attained the immediate effect desired by the senate. The people were too habituated to the rule of the nobility to remember grievances when approached as friends; the advances of the senate were received in good faith, and Drusus might congratulate himself that a representative of the Moderates had fulfilled the appropriate task of a mediator between opposing factions.[1]

We might have expected that Gracchus, in the face of such formidable competition, would have stood his ground in Rome and would have exhausted every effort of his resistless oratory in exhibiting the dishonesty of his opponents and in seeking to reclaim the allegiance of the people. But perhaps he held that the effective accomplishment of another great design would be a better object-lesson of his power as a benefactor and a surer proof of the reality of his intentions, as contrasted with the shadowy promises of Drusus. He availed himself of his position of triumvir for the foundation of the colony of Junonia—an office which the senate gladly allowed him to accept—and set sail for Africa to superintend in person the initial steps in the creation of his great transmarine settlement.[2] His original plan was soon modified by the opposition which it encountered; the promised number of allotments was raised to six thousand, and Italians were now invited to share in the foundation.[3]

[1] Plut. *C. Gracch.* 9.

[2] Appian (*Bell. Civ.* i. 24) says that Gracchus was accompanied by Fulvius Flaccus. Plutarch (*C. Gracch.* 10) implies that the latter stayed at Rome.

[3] App. *l.c.* Appian represents this measure as having been proposed after the return of the commissioners to Rome. The words of Plutarch (*C. Gracch.* 8) ἀπηρτήσατο τὸ πλῆθος . . . καλῶν . . . ἐπὶ κοινωνίᾳ πολιτείας τοὺς Λατίνους probably refer to an invitation of the Latins to share in these citizen colonies.

Both of these steps were doubtless the result of the senate's dalliance with colonial schemes and with the Latins, but the latter may also be interpreted as a desperate effort to get the colony under weigh at any cost. Fulvius Flaccus, who was also one of the colonial commissioners, either stayed at Rome during the entire period of his colleague's absence or paid but the briefest visit to Africa; for he is mentioned as the representative of the party's interests in Rome during Gracchus's residence in the province.[1] The choice of the delegate was a bad one. Not only was Flaccus hated by the senate, but he was suspected by the people. These in electing him to the tribunate had forgiven his Italian leanings when the Italian cause was held to be extinct; but now the odium of the franchise movement clung to him afresh, and suspicion was rife that the secret dealings with the allies, which were believed to have led to the outbreak of Fregellae, had never been interrupted or had lately been renewed. The difficulties of his position were aggravated by faults of manner. He possessed immense courage and was an excellent fighter; but, like many men of combative disposition, he was tactless and turbulent. His reckless utterances increased the distrust with which he was regarded, and Gracchus's popularity necessarily waned with that of his lieutenant.[2]

Meanwhile the effort was being made to reawaken Carthage and to defy the curse in which Scipio had declared that the soil of the fallen city should be trodden only by the feet of beasts. No scruple could be aroused by the division of the surrounding lands; the site where Carthage had stood was alone under the ban,[3] and had Gracchus been content with mere agrarian assignment or had he established Junonia at some neighbouring spot, his opponents would have been disarmed of the potent weapon which superstition invariably supplied at Rome. As it was, alarming rumours soon began to spread of dreadful signs which had accompanied the inauguration of the colony.[4] When the colonists, according to ancient custom were marching to their destined home in military order with standards flying, the ensign which headed the column was caught by a furious wind, torn from the grip of its resisting bearer, and shattered on the ground. When the altars had been raised and the victims laid upon them, a sudden storm-blast caught the offer-

[1] See p. 243, note 2.
[2] Plut. *C. Gracch.* 10.
[3] Mommsen in C. I. L. *l.c.*
[4] Plut. *C. Gracch.* 11.

ings and hurled them beyond the boundaries of the projected city which had recently been cut by the share. The boundary-stones themselves were visited by wolves, who seized them in their teeth and carried them off in headlong flight. The reality of the last alarming phenomenon, perhaps of all these omens, was vehemently denied by Gracchus and by Flaccus;[1] but, even if the reports now flying abroad in Rome had any basis in fact, the circumstances of the foundation did not deter the leader nor frighten away his colonists. Gracchus proceeded with his work in an orderly and methodical manner, and when he deemed his personal supervision no longer essential, returned to Rome after an absence of seventy days. He was recalled by the news of the unequal contest that was being waged between the passionate Fulvius and the adroit Drusus. Clearly the circumstances required a cooler head than that possessed by Flaccus; and there was the threat of a still further danger which rendered Gracchus's presence a necessity. The consulship for the following year was likely to be gained by one of the most stalwart champions of ultra-aristocratic views. Lucius Opimius had been defeated when seeking that office in the preceding year, chiefly through the support which Gracchus's advocacy had secured to Fannius. Now there was every chance of his success;[2] for Opimius's chief claim to distinction was the prompt action which he had shown in the conquest of Fregellae, and the large numbers of the populace who detested the Italian cause were likely to aid his senatorial partisans in elevating him to the consulship. The consular elections might exercise a reactionary influence on the tribunician; and, if Gracchus's candidature was a failure, he might be at the mercy of a resolute opponent, who would regard his destruction as the justifiable act of a saviour of society.

When Caius returned, the people as a whole seemed more apathetic than hostile. They listened with a cold ear both to appeals and promises, and this coldness was due to satiety rather than suspicion. They had been promised so much within the last few months that demagogism seemed to be a normal feature of existence, and no keen emotion was stirred by any new appeal to their vanity or to their interests. Such apathy, although it may favour the military pretender, is more to be dreaded than actual

[1] App. *Bell. Civ.* i. 24. According to Appian, the wolf event occurred after Gracchus had quitted Africa.

[2] Plut. *C. Gracch.* 11.

discontent by the man who rules merely by the force of character and eloquence. Criticism may be met and faced, and, the keener it is, the more it shows the interest of the critics in their leader. Pericles was hated one moment, deified the next; but no man could profess to be indifferent to his personality and designs. Gracchus took the lesson to heart, and concentrated his attention on the one class of his former supporters, whose daily life recalled a signal benefit which he had conferred, a class which might be moved by gratitude for the past and hope for the future. One of his first acts after his return was to change his residence from the Palatine to a site lying below the Forum.[1] Here he had the very poor as his neighbours, the true urban proletariate which never dreamed of availing itself of agrarian assignments or colonial schemes, but set a very real value on the corn-distributions, and may have believed that their continuance would be threatened by Gracchus's fall from power. It is probable, however, that, even without this motive, the characteristic hatred which is felt by the partially destitute for the middle class, may have deepened the affection with which Gracchus was regarded by the poorer of his followers, when they saw him abandoned by the more outwardly respectable of his supporters. The present position of Gracchus showed clearly that the powerful coalition on which he had built up his influence had crumbled away. From a leader of the State he had become but the leader of a faction, and of one which had hitherto proved itself powerless to resist unaided a sudden attack by the government.

From this democratic stronghold he promulgated other laws, the tenor of which is unknown, while he showed his sympathy with the lower orders in a practical way which roused the resentment of his fellow-magistrates.[2] A gladiatorial show was to be given in the Forum on a certain day, and most of the magistrates had erected stands, probably in the form of a rude wooden amphitheatre, which they intended to let on hire.[3] Gracchus chose to consider this proceeding as an infringement of the people's rights. It was perhaps not only the admission by payment, but the opinion that the enclosure unduly narrowed the area of observation and cut off all view of the performance from the surrounding crowd,[4] that aroused

[1] Plut. *C. Gracch.* 12.

[2] *Ibid.* συνέτυχε δ' αὐτῷ καὶ πρὸς τοὺς συνάρχοντας ἐν ὀργῇ γενέσθαι. συνάρχοντας here is not limited to his colleagues in the tribunate.

[3] ἐξεμίσθουν (Plut. *l.c.*), probably to contractors who would sublet the seats.

[4] Beesly *The Gracchi, Marius* and *Sulla* p. 53.

Gracchus's protest, and he bade the magistrates pull down the erection that the poorer classes might have a free view of the spectacle. His request was disregarded, and Gracchus prepared a surprise for the obstinate organisers. On the very night before the show he sallied out with the workmen that his official duties still placed at his disposal; the tiers of seats were utterly demolished, and when day dawned the people beheld a vacant site on which they might pack themselves as they pleased. To the lower orders it seemed the act of a courageous champion, to the officials the wild proceeding of a headstrong demagogue. It could not have improved Gracchus's chances with the moneyed classes of any grade; he had merged their chances of enjoyment with that of the crowd and violated their sense of the prerogatives of wealth.

But, although Gracchus may have been acting violently, he was not acting blindly. He must have known that his cause was almost lost, but he must also have been aware that the one chance of success lay in creating a solidarity of feeling in the poorer classes, which could only be attained by action of a pronounced and vigorous type. To what extent he was successful in reviving a following which furnished numerical support superior, or even equivalent to, the classes alienated by his conduct or won over by the intrigues of his opponents, is a fact on which we have no certain information. Only one mention has been preserved of his candidature for a third tribunate: and this narrative, while asserting the near approach which Gracchus made to victory, confesses the uncertainty of the accounts which had been handed down of the election. The story ran that he really gained a majority of the votes, but that the tribune who presided, with the connivance of some of his colleagues, basely falsified the returns.[1] It is a story that cannot be tested on account of our ignorance of the precautions taken, and therefore of the possibilities of fraud which might be exhibited, in the elections of this period. At a later period actual records of the voting were kept, in case a decision should be doubted;[2] and had an appeal to a scrutiny been possible at this time, Gracchus was not the man to let the dubious result remain unchallenged. But the story, even if we regard it as expressing a mere suspicion, suggests the profound disappointment of a considerable class, which had given its

[1] *ψήφων μὲν αὐτῷ πλείστων γενομένων, ἀδίκως δὲ καὶ κακούργως τῶν συναρχόντων ποιησαμένων τὴν ἀναγόρευσιν καὶ ἀνάδειξιν.* (Plut. *l.c.*)

[2] Cic. *in Pis.* 15. 36; Varro *R. R.* iii. 5. 18.

favourite its united support and received the news of his defeat with surprise and resentment. It breathes the poor man's suspicion of the chicanery of the rich, and may be an index that Gracchus retained the confidence of his humbler supporters until the end.

The defeat, although a terrible blow, did not crush the spirit of Gracchus; it only rendered it more bitter and defiant. It was now that he exulted openly in the destructive character of his work, and he is said to have answered the taunts of his enemies by telling them that their laughter had a painful ring, and that they did not yet know the great cloud of darkness which his political activity had wrapped around their lives.[1] The dreaded danger of Opimius's election was soon realised, and members of the newly appointed tribunician college were willing to put themselves at the orders of the senate. The surest proof that Gracchus had fallen would be the immediate repeal of one of his laws, and the enactment which was most assailable was that which, though passed under another's name, embodied his project for the refoundation of Carthage. This Rubrian law might be attacked on the ground that it contravened the rules of religious right, the violation of which might render any public act invalid;[2] and the stories which had been circulated of the evil omens that had attended the establishment of Junonia, were likely to cause the scruples of the senate to be supported by the superstition of the people. Gracchus still held an official position as a commissioner for colonies, if not for land-distribution and the making of roads, but none of these positions gave him the authority to approach the people or the power to offer effective legal resistance to the threatened measure; any further opposition might easily take the form of a breach of the peace by a private individual and give his enemies the opportunity for which they were watching; and it was therefore with good reason that Gracchus at first determined to adopt a passive attitude in the face of the proposal of the tribune Minucius Rufus for the repeal of the Rubrian law.[3] Even Cornelia seems to have counselled prudence, and it was perhaps this crisis in her son's career which drew from her the passionate letter, in which the mother triumphs over the patriot and she sees the ruin of the Republic and the madness of her house

[1] ὡς Σαρδόνιον γέλωτα γελῶσιν, οὐ γιγνώσκοντες, ὅσον αὐτοῖς σκότος ἐκ τῶν αὐτοῦ περικέχυται πολιτεύματων. (Plut. *l.c.*)

[2] Cic. *pro Caec.* 33. 95; *pro Domo* 40. 106.

[3] [Victor] *de Vir. Ill.* 65.

in the loss which would darken her declining years.[1] This protest is more than consistent with the story that she sent country folk[2] to swell the following and protect the person of her son, when she saw that he would not yield without another effort to maintain his cause. The change of attitude is said to have been forced on Gracchus by the exhortations of his friends and especially of the impetuous Fulvius. The organisation of a band such as Gracchus now gathered round him, although not in itself illegal, was a provocation to riot; and a disastrous incident soon occurred which gave his opponents the handle for which they had long been groping. At the dawn of the day, on which the meeting was to be held for the discussion, and perhaps for the voting, on the repeal of the threatened law, Gracchus and his followers ascended to the Capitol, where the opposite party was also gathering in strength. It seems that the consul Opimius himself, although he could not preside at the final meeting of the assembly, which was purely plebeian, was about to hold a Contio[3] or to speak at one summoned by the tribunes. Gracchus himself did not immediately enter the area in which the meeting was to be held, but paced the portico of the temple buried in his thoughts.[4] What immediately followed is differently told; but the leading facts are the same in every version.[5] A certain Antullus or Antullius, spoken of by some as a mere unit amongst the people, described by others as an attendant or herald of Opimius, spoke some words —the Gracchans said, of insolence: their opponents declared, of patriotic protest—to Gracchus or to Fulvius, at the same time stretching out his arm to the speaker whom he addressed. The gesture was misinterpreted, and the unhappy man fell pierced with iron pens, the only weapons possessed by the unarmed crowd. There could be no question that the first act of violence had come from Gracchus's supporters, and the end for which Opimius had waited had been gained. Even the eagerness with which the leader had

[1] Cornelia *ap.* Corn. Nep. fr. 16 Ne id quidem tam breve spatium (*sc.* vitae) potest opitulari quin et mihi adversere et rem publicam profliges? Denique quae pausa erit? Ecquando desinet familia nostra insanire? Ecquando modus ei rei haberi poterit? Ecquando desinemus et habentes et praebentes molestiis insistere? Ecquando perpudescet miscenda atque perturbanda re publica?

[2] ὡς δὴ θεριστάς (Plut. *C. Gracch.* 13).

[3] Plutarch (*l.c.*) says that the consul had "sacrificed" (θύσαντος) and, if this is correct, Opimius must have summoned the meeting.

[4] App. *Bell. Civ.* i. 25.

[5] Plut. *C. Gracch.* 13; App. *Bell. Civ.* i. 25; [Victor] *de Vir. Ill.* 65. The last author calls the slain man Attilius and describes him as "praeco Opimii consulis". *Cf.* Ihne *Röm. Gesch.* v. p. 103.

disclaimed the hasty action of his followers might be interpreted as a renewed infringement of law. He had hurried from the Capitol to the Forum to explain to all who would listen the unpremeditated nature of the deed and his own innocence of the murder; but this very action was a grave breach of public law, implying as it did an insult to the majesty of the tribune in summoning away a section of the people whom he was prepared to address.[1]

The meeting on the Capitol was soon dissolved by a shower of rain,[2] and the tribunes adjourned the business to another day; while Gracchus and Fulvius Flaccus, whose half-formed plans had now been shattered, hastened to their respective homes. The weakness of their position had been that they refused to regard themselves in their true light as the leaders of a revolution against the government. Whatever their own intentions may have been, it is improbable that their supporters followed them to the Capitol simply with the design of giving peaceful votes against the measure proposed: and, had Antullius not fallen, the meeting on the Capitol might have been broken up by a rush of Gracchans, as that which Tiberius once harangued had been invaded by a band of senators. Success and even salvation could now be attained solely by the use of force; and the question of personal safety must have appealed to the rank and file as well as to the leaders, for who could forget the judicial massacre which had succeeded the downfall of Tiberius? But the security of their own lives was probably not the only motive which led numbers of their adherents to follow the two leaders to their homes.[3] Loyalty, and the keen activity of party spirit, which stimulates faction into war, must also have led them to make a last attempt to defend their patrons and their cause. The whole city was in a state of restless anticipation of the coming day; few could sleep, and from midnight the Forum began to be filled with a crowd excited but depressed by the sense of some great impending evil.[4]

At daybreak the consul Opimius sent a small force of armed men to the Capitol, evidently for the purpose of preventing the point of vantage being seized by the hostile democrats, and then he issued notices for a meeting of the senate. For the present he remained in the temple of Castor and Pollux to watch events. When

[1] [Victor] *l.c.* Imprudens contionem a tribuno plebis avocavit. *Cf.* App. *Bell. Civ.* i. 25.
[2] Plut. *C. Gracch.* 14. [3] App. *Bell. Civ.* i. 25. [4] App. *l.c.*

the fathers had obeyed his summons, he crossed the Forum and met them in the Curia. Shortly after their deliberations had begun, a scene, believed to have been carefully prepared, began to be enacted in the Forum.[1] A band of mourners was seen slowly making its way through the crowded market-place; conspicuous on its bier was the body of Antullius, stripped so that the wound which was the price of his loyalty might be seen by all. The bearers took the route that led them past the senate-house, sobbing as they went and wailing out the mourning cry. The consul was duly startled, and curious senators hastened to the door. The bier was then laid on the ground, and the horrified aristocrats expressed their detestation of the dreadful crime of which it was a witness. Their indignation may have imposed on some members of the crowd; others were inclined to mock this outburst of oligarchic pathos, and to wonder that the men who had slain Tiberius Gracchus and hurled his body into the Tiber, could find their hearts thus suddenly dissolved at the death of an unfortunate but undistinguished servant. The motive of the threnody was somewhat too obvious, and many minds passed from the memory of Tiberius's death to the thought of the doom which this little drama was meant to presage for his brother.

The senators returned to the Curia, and the final resolution was taken. Opimius was willing to venture on the step which Scaevola had declined, and a new principle of constitutional law was tentatively admitted. A state of siege was declared in the terms that "the consul should see that the State took no harm,"[2] and active measures were taken to prepare the force which this decree foreshadowed. Opimius bade the senators see to their arms, and enjoined each of the members of the equestrian centuries to bring with him two slaves in full equipment at the dawn of the next day.[3] But an attempt was made to avert the immediate use of force by issuing a summons to Gracchus and Flaccus to attend at the senate and defend their conduct there.[4] The summons was perfectly legal, since the consul had the right to demand the presence of any

[1] Plut. *C. Gracch.* 14.

[2] Cic. *Phil.* viii. 4. 14 Quod L. Opimius consul verba fecit de re publica, de ea re ita censuerunt, uti L. Opimius consul rem publicam defenderet. Senatus haec verbis, Opimius armis. *Cf. in Cat.* i. 2. 4; iv. 5. 10. Plut. *C. Gracch.* 14 *εἰς τὸ βουλευτήριον ἀπελθόντες ἐψηφίσαντο καὶ προσέταξαν Ὀπιμίῳ τῷ ὑπάτῳ σώζειν τὴν πόλιν ὅπως δύναιτο καὶ καταλύειν τοὺς τυράννους.*

[3] Plut. *l.c.*

[4] App. *Bell. Civ.* i. 26.

citizen or even any inferior magistrate; but the two leaders may well be excused for their act of contumacy in disobeying the command. They knew that they would merely be putting themselves as prisoners into the hands of a hostile force; nor, in the light of past events, was it probable that their surrender and punishment would save their followers from destruction. Preparations for defence, or a counter-demonstration which would prove the size and determination of their following, might lead the senate to think of negotiation. Its members had an inducement to take this view. Their legal position, with respect to the step which they were now contemplating, was unsound; and although they might claim that they had the government in the shape of its chief executive officer on their side, and that their late policy had attracted the support of the majority of the citizens, yet there was no uncontested precedent for the legitimacy of waging war against a faction at Rome; they had no mandate to perform this mission, and its execution, which had lately been rendered illegal by statute law,[1] might subsequently be repudiated even by many of those whom they now regarded as their supporters. Yet we cannot wonder at the uncompromising attitude of the senate. They held themselves to be the legitimate government of the State; they had learnt the lesson that a government must rest either on its merits or on force; they were unwilling to repeat the scandalous scene which, on the occasion of Tiberius Gracchus's death, had proved their weakness, and were perhaps unable to resort to such unpremeditated measures in the face of the larger following of Caius; they could enlist on their side some members of the upper middle class who would share in the guilt, if guilt there was: and lastly they had at their mercy two men, of whom one had twice shaken the commonwealth and the other had gloried in the prospect of its self-mutilation in the future.

The wisdom and justice of resistance appealed immediately to the mind of Flaccus, whose combative instincts found their natural satisfaction in the prospect of an interchange of blows. The finer and more complex spirit of Gracchus issued in a more uncertain mood. The bane of the thinker and the patriot was upon him. Was a man who had led the State to fight against it, and the rule of reason to be exchanged for the base arbitrament of the sword?

[1] P. 200.

None knew the emotions with which he turned from the Forum to gaze long and steadfastly at the statue of his father and to move away with a groan;[1] but the sight of his sorrow roused a sympathy which the call to arms might not have stirred. Many of the by-standers were stung from their attitude of indifference to curse themselves for their base abandonment of the man who had sacrificed so much, to follow him to his house, and to keep a vigil before his doors. The night was passed in gloomy wakefulness, the spirits of the watchers were filled with apprehension of the common sacrifice which the coming day might demand, and the silence was only broken when the voluntary guard was at intervals relieved by those who had already slumbered. Meanwhile the neighbours of Flaccus were being startled by the sounds of boisterous revelry that issued from his halls. The host was displaying an almost boyish exuberance of spirits, while his congenial comrades yelled and clapped as the wine and the jest went round. At daybreak Fulvius was dragged from his heavy slumbers, and he and his companions armed themselves with the spoils of his consulship, the Gallic weapons that hung as trophies upon his walls.[2] They then set out with clamorous threats to take possession of the Aventine. The home that Icilius had won for the Plebs was to be the scene of another struggle for freedom. It was in later times pretended that Fulvius had taken the step, from which even Catilina shrank, of calling the slaves to arms on a promise of freedom.[3] We have no means of disproving the allegation, which seems to have occurred with suspicious frequency in the records left by aristocratic writers of the popular movements which they had assisted to crush. But it is easy to see that the devotion of slaves to their own masters during such struggles, and the finding of their bodies amidst the slain, would be proof enough to a government, anxious to emphasise its merits as a saviour of society, that general appeals had been made to the servile class. Such a deduction might certainly have been drawn from a view of the forces mustered under Opimius; for in these the slaves may have exceeded the citizens in number.[4]

Gracchus's mind was still divided between resistance and resignation. He consented to accompany his reckless friend to the Aventine, as the only place of refuge; but he declined to don his armour, merely fastening under his toga a tiny dagger,[5] as a means

[1] Plut. *C. Gracch.* 14. [2] *Ibid.* 15. [3] App. *Bell. Civ.* i. 26.
[4] *Cf.* Bardey *Das sechste Consulat des Marius* p. 61. [5] Plut. *l.c.*

of defence in the last resort, or perhaps of salvation, did all other measures fail. The presage of his coming doom was shared by his wife Licinia who clung to him at the door, and when he gently disengaged himself from her arms, made one more effort to grasp his robe and sank senseless on the threshold. When Gracchus reached the Aventine with his friends, he found that Flaccus and his party had seized the temple of Diana and had made hasty preparations for fortifying it against attack. But Gracchus, impressed with the helplessness or the horror of the situation, persuaded him to make an effort at accommodation, and the younger son of Flaccus, a boy of singular beauty, was despatched to the Curia on the mission of peace.[1] With modest mien and tears streaming from his eyes he gave his message to the consul. Many—perhaps most—of those who listened were not averse to accept a compromise which would relieve the intolerable strain and avert a civil strife. But Opimius was inflexible; the senate, he said, could not be approached by deputy; the principals must descend from the Aventine, lay down their arms, deliver themselves up to justice as citizens subject to the laws, and then they might appeal to the senate's grace; he ended by forbidding the youth to return, if he could not bring with him an acceptance of these final terms. The more pacific members of the senate could offer no effective objection, for it was clear that the consul was acting within his legal rights. The coercion of a disobedient citizen was a matter for the executive power and, though Opimius had spoken in the name of the senate, the authority and the responsibility were his. Retirement would have been their only mode of protest; but this would have been a violation of the discipline which bound the Council to its head, and would have betrayed a suspicious indifference to the cause which was regarded as that of the constitution. It is said that, on the return of the messenger, Gracchus expressed willingness to accept the consul's terms and was prepared to enter the senate and there plead his own cause and that of his followers.[2] But none of his comrades would agree, and Flaccus again despatched his son with proposals similar to those which had been rejected. Opimius carried out his injunction by detaining the boy and, thirsting for battle to effect the end which delay would have assured, advanced his armed forces against the position held by Flaccus. He was not wholly dependent on the

[1] Plut. *C. Gracch.* 16; App. *l.c.* [2] Plut. *l.c.*

improvised levies of the previous day. There were in Rome at that moment some bands of Cretan archers,[1] which had either just returned from service with the legions or were destined to take part in some immediate campaign. It was to their efforts that the success of the attack was mainly due. The barricade at the temple might have resisted the onslaught of the heavily-armed soldier; but its defenders were pierced by the arrows, the precinct was strewn with wounded men, and the ranks were in utter disorder when the final assault was made. There were names of distinction which lent a dignity to the massacre that followed. Men like Publius Lentulus, the venerable chief of the senate, gave a perpetual colour of respectability to the action of Opimius by appearing in their panoplies amongst the forces that he led.[2]

When the rout was complete and the whole crowd in full flight, Flaccus sought escape in a workshop owned by a man of his acquaintance; but the course of his flight had been observed, the narrow court which led to the house was soon crowded by pursuers, who, maddened by their ignorance of the actual tenement that concealed the person of Flaccus, vowed that they would burn the whole alley to the ground if his hiding-place were not revealed.[3] The trembling artisan who had befriended him did not dare to betray his suppliant, but relieved his scruples by whispering the secret to another. The hiding place was immediately revealed, and the great ex-consul who had laid the foundations of Rome's dominion in farther Gaul, a man strenuous and enlightened, ardent and faithful but perhaps not overwise, was hacked to pieces by his own citizens in an obscure corner of the slums of Rome. His elder son fell fighting by his side. To the younger, the fair ambassador of that day, now a prisoner of the consul, the favour was granted of choosing his own mode of death. Early Rome had repudiated the principle of visiting the sins of the fathers upon the children;[4] but the cold-blooded horrors of the Oriental and Hellenic world were now becoming accepted maxims of state to a government trembling for its safety and implacable in its revenge.

Meanwhile Gracchus had been saved from both the stain of civil war and the humiliation of capture by his foes. No man had

[1] Plut. *l.c.* [2] Cic. *in Cat.* iv. 6. 13.
[3] App. *Bell. Civ.* i. 26. Plut. (*C. Gracch.* 16) states that Flaccus fled to a bath-room (εἴς τι βαλανεῖον).
[4] Dionys. viii. 80.

seen him strike a blow throughout the contest. In sheer disgust at the appalling scene he had withdrawn to the shrine of Diana, and was there prepared to compass his own death.[1] His hand was stayed by two faithful friends, Pomponius and Laetorius,[2] who urged him to escape. Gracchus obeyed, but it was believed by some that, before he left the temple, he stretched forth his hand to the goddess and prayed that the Roman people might never be quit of slavery as a reward for their ingratitude and treachery.[3] This outburst of anger, a very natural consequence of his own humiliating plight, is said to have been kindled by the knowledge that the larger portion of the mob had already listened to a promise of amnesty and had joined the forces of Opimius. Unlike most imprecations, that of Gracchus was destined to be fulfilled.

The flight of Gracchus led him down the slope of the Aventine to the gate called Trigemina which stood near the Tiber's bank. In hastening down the hill he had sprained his ankle, and time for his escape was only gained by the devotion of Pomponius,[4] who turned, and single-handed kept the pursuing enemy at bay until trampling on his prostrate body they rushed in the direction of the wooden bridge which spanned the river. Here Laetorius imitated the heroism of his comrade. Standing with drawn sword at the head of the bridge, he thrust back all who tried to pass until Gracchus had gained the other bank. Then he too fell, pierced with wounds. The fugitive had now but a single slave to bear him company in his flight; it led them through frequented streets, where the passers-by stopped on their way, cheered them on as though they were witnessing a contest of speed, but gave no sign of help and turned deaf ears to Gracchus's pleading for a horse; for the pursuers were close behind, and the dulled and panic-stricken mob had no thought but for themselves. The grove of Furrina[5] received them just before they were overtaken by the pursuing band; and in the sacred precinct the last act was accomplished. It was known only that master and slave had been found lying side by side. Some believed that the faithful servant had slain Gracchus

[1] Plut. *l.c.*

[2] Val. Max. iv. 7. 2; [Victor] *de Vir. Ill.* 65; Oros. v. 12. Plutarch (*l.c.*) gives the second name as Licinius.

[3] Plut. *l.c.*

[4] [Victor] *l.c.*

[5] Translated "Grove of the Furies" by Plutarch; *cf.* Cic. *de Nat. Deor.* iii. 18. 46. The true name of the grove was Lucus Furrinae, named after some goddess, whose significance was forgotten (Varro *L. L.* vi. 19 Nunc vix nomen notum paucis). See Richter *Topographie* p. 271.

and then pierced his own breast; others held that they were both living when the enemy came upon them, but that the slave clung with such frantic devotion to his master that Gracchus's body could not be reached until the living shield had been pierced and torn away.[1] The activity of the pursuers had been stimulated by greed, for Opimius had put a price upon the heads of both the leaders of the faction on the Aventine. The bearers of these trophies of victory were to receive their weight in gold. The humble citizens who produced the head of Flaccus are said to have been defrauded of their reward; but the action of the man who wrested the head of Gracchus from the first possessor of the prize and bore it on a javelin's point to Opimius, long furnished a text to the moralist who discoursed on the madness of greed and the thirst of gold. Its unnatural weight is said to have revealed the fact that the brain had been extracted and the cavity filled with molten lead.[2] The bodies of the slain were for the most part thrown into the Tiber, but one account records that that of Gracchus was handed over to his mother for burial.[3] The number of the victims of the siege, the pursuit and the subsequent judicial investigation is said to have been three thousand.[4] The resistance to authority, which was all that could be alleged against the followers of Gracchus, was treated, not as a riot, but as a rebellion. The Tullianum saw its daily dole of victims, who were strangled by the executioner; the goods of the condemned were confiscated by the State and sold at public auction. All public signs of mourning were forbidden to their wives;[5] and the opinion of Scaevola, the greatest legal expert of the day, was that some property of his niece Licinia, which had been wrecked in the general tumult, could be recovered only from the goods of her husband, to whom the sedition was due.[6] The attitude of the government was, in fact, based on the view that the members of the defeated party, whether slain

[1] Plut. *C. Gracch.* 17. *Cf.* Val. Max. vi. 8. 3.

[2] Plin. *H. N.* xxxiii. 3. 48. *Cf.* Plut. *l.c.*; [Victor] *l.c.*; Florus ii. 3 (iii. 15).

[3] Oros. v. 12.

[4] Oros. *l.c.* Opimius consul sicut in bello fortis fuit ita in quaestione crudelis. Nam amplius tria milia hominum suppliciis necavit, ex quibus plurimi ne dicta quidem causa innocentes interfecti sunt. Plutarch (*l.c.*) gives three thousand as the number actually slain in the tumult. Orosius (*l.c.*) gives the number slain on the Aventine as two hundred and fifty. For the severity with which Opimius conducted the *quaestio* see Sall. *Jug.* 16. 2, 31. 7; Vellei. ii. 7.

[5] Plut. *l.c.*

[6] Dig. xxiv. 3. 66. The passage speaks of Licinia's dowry; yet Plutarch (*l.c.*) says that this was confiscated.

or executed, had been declared enemies of the State. Their action had put them outside the pale of law, and the decree of the senate, which had assisted Opimius in the extreme course that he had taken, was an index that the danger, which it vaguely specified, aimed at the actual existence of the commonwealth and undermined the very foundations of society. Such was the theory of martial law which Opimius's bold action gave to his successors. Its weakness lay in the circumstance that it was unknown to the statutes and to the courts; its plausibility was due partly to the fact that, since the desuetude of the dictatorship, no power actually existed in Rome which could legally employ force to crush even the most dangerous popular rising, and partly to the peculiarities of the movement which witnessed the first exercise of this authority. The killing of Caius Gracchus and his followers, however useless and mischievous the act may have been, had about it an air of spurious legality, with which no ingenuity could invest the murder of Tiberius and his adherents. The fallen chiefs were in enjoyment of no magisterial authority that could justify either their initial action or their subsequent disobedience; they had fortified a position in the town, and had certainly taken up arms, presumably for the purpose of inflicting grievous harm on loyal fellow-citizens. As their opponents were certainly the government, what could they be but declared foes who had been caught red-handed in an act of treason so open and so violent that the old identity of "traitors" and "enemies" was alone applicable to their case? Thus legal theory itself proclaimed the existence of civil war, and handed on to future generations of party leaders an instrument of massacre and extirpation which reached its culminating point in the proscription list of Sulla.

Opimius, after he had ceased to preside at his death-dealing commission, expressed the view that he had removed the rabies of discord from the State by the foundation of a temple to Harmony. The bitter line which some unseen hand scribbled on the door,[1] expressed the doubt, which must soon have crept over many minds, whether the doctor had not been madder than the patient, and the view, which was soon destined to be widely held, that the authors of the discord which had been professedly healed, the teachers who were educating Rome up to a higher ideal of civil strife,

[1] In Plutarch's Greek version (*C. Gracch.* 17) *ἔργον ἀπονοίας* (vecordiae) *ναὸν ὁμονοίας* (concordiae) *ποιεῖ.*

were the very men who were now in power.[1] We shall see in the sequel with what speed Time wrought his political revenge. In the hearts of men the Gracchi were even more speedily avenged. The Roman people often alternated between bursts of passionate sentiment and abject states of cowardly contentment; but through all these phases of feeling the memory of the two reformers grew and flourished. To accept the Gracchi was an article of faith impressed on the proudest noble and the most bigoted optimate by the clamorous crowd which he addressed. The man who aped them might be pronounced an impostor or a traitor; the men he aped belonged almost to the distant world of the half-divine. Their statues were raised in public places, the sites on which they had met their death were accounted holy ground and were strewn with humble offerings of the season's fruits. Many even offered to their images a daily sacrifice and sank on their knees before them as before those of the gods.[2] The quiet respect or ecstatic reverence with which the names and memories of the Gracchi were treated, was partly due to a vague sense in the mind of the common man that they were the authors of the happier aspects of the system under which he lived, of the brighter gleams which occasionally pierced the clouds of oppression and discomfort; it was also due to the conviction in the mind of the statesman, often resisted but always recurring, that their work was unalterable. To undo it was to plunge into the dark ages, to attempt to modify it was immediately to see the necessity of its renewal. At every turn in the paths of political life the statesman was confronted by two figures, whom fear or admiration raised to gigantic proportions. The orthodox historian would angrily declare that they were but the figures of two young men, whose intemperate action had thrown Rome into convulsion and who had met their fate, not undeserved however lamentable, the one in a street riot, the other while heading an armed sedition. But the criticism contained the elements of its own refutation. The youth, the brotherhood, the martyrdom of the men were the very elements that gave a softening radiance to the hard contour of their lives. The Gracchi were a stern and ever-present reality; they were also a bright and gracious memory. In either character they must have lived; but the combination of both presentments has secured them an immortality which age, wisdom, experience and success have often struggled vainly to secure.

[1] *Cf.* Neumann *Geschichte Roms.* p. 259.

[2] Plut. *C. Gracch.* 18.

That strange feeling which a great and beautiful life has often inspired, that it belongs to eternity rather than to the immediate past, and that it has few points of contact with the prosaic round of present existence, had almost banished from Cornelia's mind the selfish instincts of her loss, and had perhaps even dulled the tender memories which cluster round the frailer rather than the stronger elements in the characters of those we love. Those who visited her in her villa at Misenum, where she kept her intellectual court, surrounded by all that was best in letters, and exchanging greetings or gifts with the potentates of the earth, were amazed at the composure with which she spoke of the lives and actions of her sons.[1] The memory drew no tear, her voice conveyed no intonation of sorrow or regret. She spoke of them as though they were historical figures of the past, men too distant and too great to arouse the weak emotion which darkens contemplation. Some thought that her mind had been shaken by age, or that her sensibility had been dulled by misfortune. "In this they proved their own utter lack of sensibility" says the loving biographer of the Gracchi: They did not know, he adds, the signs of that nobility of soul, which is sometimes given by birth and is always perfected by culture, or the reasonable spirit of endurance which mental and moral excellence supply. The calmness of Cornelia proved, as well, that she was at one with her children after their death, and their identity with a mind so pure is as great a tribute to their motives as the admiration or fear of the Romans is to their intellect and their deeds. Cornelia deserved a memorial in Rome for her own intrinsic worth; but the demeanour of her latter days justifies the legend engraved on the statue which was to be seen in the portico of Metèllus: "To Cornelia, the mother of the Gracchi".[2]

We are now in a position to form some estimate of the political changes which had swept over Rome during the past twelve years. The revolutionary legislation of this period was, strictly speaking, not itself the change, but merely the formula which marked an established growth; nor can any profit be derived from drawing a marked contrast between the aims and methods of the two men who were responsible for the most decisive of these reforms. A superficial view of the facts might lead us to suppose that Tiberius Gracchus had bent his energies solely to social amelioration, and

[1] Plut. *C. Gracch.* 19. [2] Plin. *H. N.* xxxiv. 6. 31.

that it was reserved for his brother Caius to effect vast changes in the working, though not in the structure, of the constitution. But even a chronological survey of the actions of these two statesmen reveals the vast union of interests that suddenly thrust themselves forward, with a vehemence which demanded either such a resistance as no political society is homogeneous enough to maintain, or such concessions as may be graciously made by a government which after the grant may still retain most of the forms and much of the substance of its former power. So closely interwoven were social and political questions, so necessary was it for the attempted satisfaction of one class immediately to create the demand for the recognition or compensation of another, that Tiberius Gracchus had no sooner formulated his agrarian proposals than he was beset with thoughts of legislating for the army, transferring some of the judicial power to the equestrian order, and granting the franchise to the allies.[1] Even the belief that these projects were merely a device for securing his own ascendency, does not prove that their announcement was due to a brilliant discovery of their originator, or that he created wants which he thereupon proposed to satisfy. The desperate statesman seizes on the grievance which is nearest to hand; it is true that he may increase a want by giving the first loud and clear expression to the low and confused murmurings of discontent; but a grievance that lives and gives violent tokens of its presence, as did that of the Italian allies in the Fregellan revolt, must be real, not fictitious: and when it finds a remedy, as the needs of the poor and the political claims of the knights did under the régime of Caius Gracchus, the presumption is that the disease has been of long standing, and that what it has for a long time lacked was not recognition, but the opportunity and the intelligence necessary to secure redress. Caius Gracchus was as little of a political explorer as his brother; it did not require the intuition of genius to see facts which formed the normal environment of every prominent politician of the age. His claim to greatness rests, partly on the mental and moral strength which he shared with Tiberius and which gave him the power to counteract the force of inertia and transmute vague thought, first into glowing words and then into vigorous action; partly on the extraordinary ingenuity with which he balanced the interests and claims of classes so as to

[1] P. 134.

form a coalition which was for the time resistless: and partly on the finality with which he removed the jealousies of the hour from the idle arena of daily political strife, and gave them their place in the permanent machinery of the constitution, there to remain as the necessary condition of the precarious peace or the internecine war which the jarring elements of a balance of power bring in turn to its possessors.

Since the reality of the problems with which the Gracchi dealt is undeniable, and since few would be inclined to admit that the most effective treatment of a problem, whether social or political, is to refuse it a solution, any reasonable criticism of their reforms must be based solely on a consideration of their aims and methods. The land question, which was taken up by both these legislators, attracts our first attention. The aim of the resumption and redistribution of the public domain had been the revival of the class of peasant holders, whom legend declared, perhaps with a certain element of truth, to have formed the flower of the civic population during the years when Rome was struggling for a place amongst the surrounding peoples and in the subsequent period of her expansion over Italy. Such an aim may be looked at from two points of view. It may be regarded as an end in itself, without any reference to its political results, or it may be looked on as an effort to increase the power and security of the State without any peculiar consideration of the comfort and well-being of its individual members. The Gracchan scheme, regarded from the first point of view, can, with respect to its end as distinguished from its methods, be criticised unfavourably only by those who hold that an urban life does under all circumstances convey moral, mental and physical benefits which are denied by the conditions of residence in country districts. It is true that the objector may in turn point out that the question of the standard of comfort to be attained in either sphere is here of supreme importance; but such an issue brings us at once within the region of means and not of ends, and an ideal of human life cannot be judged solely with reference to the practicability of its realisation. It is the second point of view from which the aim of this land legislation may be contemplated, which first gives the critic the opportunity of denying the validity of the end as well as the efficiency of the means. If the new agriculturist was meant to be an element of strength to the Roman State, to save it from the selfishness of a narrow oligarchy, the instability of a city

mob and the corruption of both, to defend the conquests which the city had won or to push her empire further, it was necessary to prove that he could be of utility both as a voting unit and as a soldier in the legions. His capacity for performing the first function efficiently was, at the very least, extremely questionable. The reality of the farmer's vote obviously depended on the closeness of his residence to the capital, since there is not the least trace, at this or at any future time during the history of the Republic, of the formation of any design for modifying the rigidly primary character of the popular assemblies of Rome. The rights of the voter at a distance had always been considered so purely potential, that the inland and northern settlements which Rome established in Italy had generally been endowed with Latin rights, while the colonies of Roman citizens clustered more closely round their mother; and men had always been found ready to sacrifice the active rights of Roman citizenship, on account of the worthlessness of their possession in a remote colony.[1] It was even difficult to reconcile the passive rights of Roman citizenship with residence at a distance from the capital; for all the higher jurisdiction was centred in Rome and could not easily be sought by the inhabitants of distant settlements.[2] But, even if we exclude the question of relative distance from the centre of affairs, it was still not probable that the dweller in the country would be a good citizen according to the Hellenic comprehension of that phrase. When Aristotle approves of a country democracy, simply because it is not strictly a democracy at all,[3] he is thinking, not merely of the farmer's lack of interest in city politics, but of the incompatibility of the perpetual demands which rural pursuits make on time and energy with attendance on public business at the centre of affairs. The son of the soil soon learns that he owes undivided allegiance to his mother: and he will seldom be stirred by a political emotion strong enough to overcome the practical appeals which are made by seed-time and harvest. But the opportunities for discarding civic obligations were far greater in Rome than in the Greek communities. The Roman assemblies had no stated days of meeting, laws might be promulgated and passed at any period of the year, their tenor was explained at public

[1] P. 4.

[2] Hence the establishment of the *praefecti jure dicundo*, sent to the burgess colonies and *municipia*.

[3] Arist. *Pol.* iv. 6, p. 1292 b.

gatherings which were often announced on the very morning of the day for which they were summoned, and could be attended only by those whom chance or leisure or the habitual pursuit of political excitement had brought to the Capitol or the Forum. There was not at this period a fixed date even for the elections of the higher magistrates. An attempt was perhaps made to arrange them for the summer, when the roads were passable, the labours of spring were over, and the toils of harvest time had not yet commenced.[1] But the creation of the magistrates with Imperium depended to a large extent on the convenience of the consuls, one of whom had sometimes to be summoned back from a campaign to preside at the Comitia which were to elect his successors; while even the date of the tribunician elections might have been conditioned by political considerations. The closing events of the life of Tiberius Gracchus prove how difficult it was to secure the attendance of the country voter even when an election of known political import was in prospect; while Caius realised that the best security for the popular leader, whether as a legislator or a candidate, was to attach the urban resident to himself by the ties of gratitude and interest. We can scarcely admit, in the face of facts like these, that the agriculturist created by the Gracchan reforms was likely to render any signal political assistance to his city. It is true that the existence of a practically disfranchised proletariate may have a modifying influence on politics. It could not in Rome serve the purpose, which it sometimes fulfils in the modern world, of moulding the opinion of the voter; but even in Rome it suggested a reserve that might be brought up on emergencies. A state, however, does not live on emergencies but on the constant and watchful activity of its members. Such activity could be displayed at Rome only by the leisured senator or the leaders of the city mob. The forces that had worked for oligarchy in the past might under changed conditions produce a narrow type of urban democracy; but they presented no hope of the realisation of a true popular government.

It might be hoped, however, that the newly created farmer might add to the military, if not the political, strength of the State. The hope, so far as it rested on the agriculturist himself, was rendered something of an anachronism by the present conditions

[1] The choice of the month of July as the date for elections seems to be post-Sullan. See Mommsen *Staatsr.* i. p. 583. During the Jugurthine War consular elections took place, as we shall see, in the late autumn or even in the winter.

of service. Even in the old days a campaign prolonged beyond the ordinary duration of six months had often effected the ruin of the peasant proprietor; and now that the cautious policy of the protectorate had been so largely abandoned and Rome's military efforts, no longer limited to wars of defence or aggression, were directed to securing her ascendency in distant dependencies by means of permanent garrisons, service in the legions was a still more fatal impediment to industrial development. Rome had not yet learnt the lesson that an empire cannot be garrisoned by an army of conscripts; but she was becoming conscious of the inadequacy of her own military system, and this consciousness led her to take the easy but fatal step of throwing far the larger burden of foreign service on the Latins and Italian allies. Any increase in the number and efficiency of her own military forces would thus remove a dangerous grievance, while it added to the strength which, in the last resort, could alone secure the permanence of her supremacy even in Italy. Such an increase was finally effected in the only possible manner —by the adoption of a system of voluntary enlistment and by carrying still further the increasing disregard for those antiquated conditions of wealth and status, which were a part of the theory that service was a burden and wholly inconsistent with the new requirement that it should become a profession. Although it must be confessed that little assistance in this direction was directly tendered by the Gracchan legislation, yet it should be remembered that, even if we exclude from consideration the small efforts made by Caius to render military service a more attractive calling, the increase of the farmer class might of itself have done much to solve the problem. Although the single occupant of a farm was clearly incapable of taking his part in expeditions beyond the seas without serious injury to his own interests, yet the sons of such a man might have performed a considerable term of military service without disastrous consequences to the estate, and where the inheritance had remained undivided and several brothers held the land in common, the duties of the soldier and the farmer might have been alternated without leaving the homestead divested of its head. The recognition of the military life as a profession must have profited still more by the policy which encouraged the growth of the country population; for the energy of the surplus members of the household, whose services were not needed or could not be adequately rewarded on the farm, would find a more salutary outlet in the stirring life

of the camp than in the enervating influences of the city. The country-side might still continue to supply a better physique and a finer morale than were likely to be discovered in the poorer quarters of Rome.

The objects aimed at in the Gracchan scheme of land-reform, although in some respects difficult of realisation, have aroused less hostile criticism than the methods which were adopted for their fulfilment. It may be held that the scheme of practical confiscation, which, advocated by Tiberius Gracchus, plunged him at once into a fierce political struggle and encountered resistance which could only be overcome by unconstitutional means, might have been avoided had the reformer seen that an economic remedy must be ultimate to be successful, and that an economic tendency can only be resisted by destroying the conditions which give it the false appearance of a law. The two conditions which were at the time fatal to the efforts of the moderate holder of land, are generally held to have been the cheapness and, under the inhumane circumstances of its employment, even efficiency of slave labour, and the competition of cheap corn from the provinces. The remedial measures which might immediately present themselves to the mind of a modern economist, who was unfettered by a belief in free trade or in the legitimacy of securing the cheapest labour available, are the prohibition of, or restrictions on, the importation of slaves, and the imposition of a duty on foreign corn. The first device might in its extreme form have been impracticable, for it would have been difficult to ensure such a supervision of the slave market as to discriminate between the sale of slaves for agricultural or pastoral work and their acquirement for domestic purposes. A tax on servile labour employed on land, or the moderate regulation which Caesar subsequently enforced that a certain proportion of the herdsmen employed on the pasture lands should be of free birth,[1] would have been more practicable measures, and perhaps, if presented as an alternative to confiscation, might not have encountered an unconquerable resistance from the capitalists, although their very moderation might have won them but a lukewarm support from the people, and ensured the failure that attends on half-measures which do not carry their meaning on their face and lack the boldness which excites enthusiasm. But the real objection which the

[1] Suet. *Caes.* 42.

Gracchi and their circle would have had to legislation of this type, whether it had been suggested to them in its extreme shape or in some modified form, would have been that it could not have secured the object at which they aimed. Such measures would merely have revived the free labourer, while their dream was to re-establish the peasant proprietor, or at least the occupant who held his land on a perfectly secure tenure from the State. And even the revival of the free labourer would only have been exhibited on the most modest scale; for such legislation would have done nothing to reclaim arable land which had degenerated into pasturage, and to reawaken life in the great deserted tracts, whose solitude was only broken by the rare presence of the herdsman's cabin. To raise a cry for the restoration of free labour on this exiguous scale might have exposed a legislator to the disappointment, if not derision, of his friends and invited the criticism, effective because popular, of all his secret foes. The masters of the world were not likely to give enthusiastic support to a leader who exhibited as their goal the lonely, barren and often dangerous life of sheep-driver to some greedy capitalist, and who offered them the companionship, and not the service, of the slaves that their victorious arms had won.

The alternative of protective legislation for the defence of Italian grain may be even more summarily dismissed. It was, in the first place, impossible from the point of view of political expediency. The Gracchi, or any other reforming legislators, had to depend for their main support on the voting population of the city of Rome: and such a constituency would never have dreamed for a moment of sanctioning a measure which would have made the price of corn dearer in the Roman market, even if the objections of the capitalists who placed the foreign grain on that market could have been successfully overcome. So far from dreaming of the practicability of such a scheme, Caius Gracchus had been forced to allow the sale of corn at Rome at a cost below the current market-price. But, even had protection been possible, it must have come as the last, not as the first, of the constructive measures necessary for the settlement of the agrarian question. It might have done something to keep the small farms standing, but these farms had to be created before their maintenance was secured; and if adopted, apart from some scheme aiming at a redivision of the land, such a protective measure would merely have benefited such existing owners of the large estates as still continued to devote a portion of their domains to agriculture.

The fact, however, which may be regarded as certain, that foreign corn could undersell that of Italy in the Roman market, and probably in that of all the great towns within easy access of the sea, may seem a fatal flaw in the agrarian projects of the Gracchi. What reason was there for supposing that the tendencies which in the past had favoured the growth of large holdings and replaced agriculture by pasturage, should remain inoperative in the future? Tiberius Gracchus's own regulation about the inalienability of the lands which he assigned, seemed to reveal the suspicion that the tendencies towards accumulation had not yet been exhausted, and that the occupants of the newly created farms might not find the pursuit of agriculture so profitable as to cling to them in scorn of the enticements of the encroaching capitalist. Doubtless the prohibition to sell revealed a weakness in the agricultural system of the times; but the regulation was probably framed, not in despair of the small holder securing a maintenance, but as a protection against the money-lender, that curse of the peasant-proprietor, who might now be less willing to approach the peasant, when the security which he obtained could under no circumstances lead to his acquiring eventual ownership. With respect to the future, there was reasonable hope that the farmer, if kept in tolerable security from the strategic advances of his wealthier neighbours, would be able to hold his own. In a modern state, possessing a teeming population and a complex industrial organisation, where the profits of a widely spread commercial life have raised the standard of comfort and created a host of varied needs, the view may reasonably be taken that, before agriculture can declare itself successful, it must be able to point to some central market where it will receive an adequate reward for the labour it entails. But this view was by no means so prevalent in the simpler societies of antiquity. The difficulties of communication, which, with reference to transport, must have made Rome seem nearer to Africa than to Umbria, and must have produced a similar tendency to reliance on foreign imports in many of the great coast towns, would alone have been sufficient to weaken the reliance of the farmer on the consumption of his products by the larger cities. The belief that the homestead might be almost self-sufficient probably lingered on in remote country districts even in the days of the Gracchi; or, if absolute self-existence was unattainable, the necessities of life, which the home could not produce, might be procured without effort by periodical visits to the market

or fair, which formed the industrial centre of a group of hamlets. The seemingly ample size of the Gracchan allotments, some of which were three times as great as the larger of the colonial assignments of earlier days,[1] pointed to the possibility of the support of a large family, if the simpler needs of life were alone considered. The farmer's soul need not be vexed by competition if he was content to live and not to trade, and it might have been hoped that the devotion to the soil, which ownership inspires, might have worked its magic even on the lands left barren through neglect. There might even be a hope for the cultivator who aimed at the markets of the larger towns; for, if corn returned no profit, yet oil and wine were not yet undersold, and were both of them commodities which would bring better returns than grain to the minute and scrupulous care in which the smaller cultivator excels the owner of a great domain. The failure of corn-growing as a productive industry, perhaps the legislation of the Gracchi itself, must have given a great impetus to the cultivation of the vine and the olive, the value attached to which during the closing years of the Republic is, as we have seen, attested by the fact that the extension of these products was prohibited in the Transalpine regions in order to protect the interests of the Roman producer.[2]

An agricultural revival was, therefore, possible; but its success demanded a spirit that would enter readily into the work, and submit without a murmur to the conditions of life which the stern task enjoined. It was here that the agrarian legislation of the Gracchi found its obstacle. So far as it did fail—so far, that is, as it was not sufficient to prevent the renewed accumulation of the people in the towns and the continued depopulation of the country districts—it failed because it offended against social ideals rather than against economic tendencies. Many of the settlers whom it planted on the allotments, must already have been demoralised by the feverish atmosphere of Rome; while others of a saner and more vigorous type may have soon looked back on the capital, not as the lounging-place of the idler, but as the exchange of the world, or have turned their thoughts to the provinces as the sphere where energy was best rewarded and capital gave its speediest returns.

[1] If some of the Gracchan assignments were thirty *jugera* each (p. 115). The larger assignments of earlier times had been from seven to ten *jugera*. See Mommsen in C. I. L. i. pp. 75 foll.

[2] P. 80.

Of the other social measures of this period, colonisation, in so far as it had a purely agricultural object, is subject to the criteria that have been applied to the agrarian movements of the time; although it is possible that the formation of new or the remodelling of old political societies, which must have followed the scheme of Drusus, had this been ever realised, would have infused a more vigorous life in agricultural settlements of this type than was likely to be awakened in those which formed a mere outlying part of Rome or some existing municipality. We have seen how the colonial plan of Drusus differed in its intention from that of Caius Gracchus;[1] but the latter statesman had, in the settlement which he projected at Junonia, planned a foundation which would proximately have lived on the wealth of its territory rather than on its trade, and must always have been, like Carthage of old, as much an agricultural as a commercial state. To an agrarian project such as this no economic objection could have been offered and, had the scheme of transmarine colonisation been fully carried out, the provinces themselves might have been made to benefit the farming class of Italy, whose economic foes they had become. The distance also of such settlements from Rome would have blunted the craving for the life of the capital, which beset the minds and paralysed the energies of the occupants of Italian land.

But, on the whole, the Gracchan scheme of colonisation was, as we have seen, commercial rather than agricultural, and was probably intended to benefit a class that was not adapted to rural occupations, either by association or training. By this enterprise Caius Gracchus showed that he saw with perfect clearness the true reason, and the final evidence, of the stagnation of the middle class. A nation which has abandoned agriculture and allows itself to be fed by foreign hands, even by those of its own subjects, is exposed to military dangers which are obvious, and to political perils somewhat more obscure but bearing their evil fruit from time to time; but such treason to the soil is no sign of national decay, if the legions of workers have merely transferred their allegiance from the country to the town, from agriculture to manufacture and commerce. In Italy this comforting explanation was impossible. Except perhaps in Latium and Campania, there were few industrial centres; many of those that existed were in the hands of Greeks, many more had sunk under the stress of war and had never been revived. The

[1] P. 241.

great syndicates in which Roman capital was invested, employed slaves and freedmen as their agents; the operations of these great houses were directed mainly to the provinces, and the Italian seaports were employed merely as channels for a business which was speculative and financial and, so far as Italy was concerned, only to a very slight, if to any, degree productive. To re-establish the producer or the trader of moderate means, was to revive a stable element in the population, whose existence might soften the rugged asperity with which capital confronted power on the one hand and poverty on the other. But to revive it at Rome would have demanded artificial measures, which, attacking as they must have done the monopolies possessed by the Equites, would have defeated the legislator's immediate object and probably proved impracticable, while such a revival would also have accentuated the centralisation, which might be useful to the politician but was deplored by the social reformer. The debilitated class might, however, recover its elasticity if placed in congenial surroundings and invited to the sites which had once attracted the enterprise of the Greek trader; and Caius Gracchus's settlements in the south of Italy were means to this end. We have no warrant for pronouncing the experiment an utter failure. Some of these colonies lived on, although in what guise is unknown. But even a moderate amount of success would have demanded a continuity in the scheme, which was rudely interrupted by the fall of its promoter, and it is not to be imagined that the larger capitalists, whose power the reformer had himself increased, looked with a friendly eye upon these smaller rivals. The scheme of social reform projected by Gracchus found its completion in his law for the sale of corn. When he had made provision for the born agriculturist and the born tradesman, there still remained a residuum of poorer citizens whose inclination and habits prompted them to neither calling. It was for these men that the monthly grant of cheapened grain was intended. Their bread was won by labour, but by a labour so fitful and precarious that it was known to be often insufficient to secure the minimum means of subsistence, unless some help was furnished by the State. The healthier form of state-aid—the employment of labour—was certainly practised by Caius Gracchus, and perhaps the extensive public works which he initiated and supervised, were intended to benefit the artisan who laboured in their construction as well as the trader who would profit by their completion.

Whatever may be our judgment on the merits and results of this social programme, the importance of the political character which it was to assume, from the close of the career of Caius Gracchus to the downfall of the Republic, can hardly be exaggerated. The items of reform as embodied in his legislation became the constant factors in every democratic programme which was to be issued in the future. In these we see the demand for land, for colonial assignations, for transmarine settlements, for a renewal or extension of the corn law, perpetually recurring. It is true that this recurrence may be in part due to the very potency of the personality of the first reformer and to the magic of the memory which he left behind him. Party-cries tend to become shibboleths and it is difficult to unravel the web that has been spun by the hand of a master. Even the hated cry for the Italian franchise, which had proved the undoing of Caius Gracchus, became acceptable to party leaders and to an ever-growing section of their followers, largely because it had become entwined with his programme of reform. But the vigorous life of his great manifesto cannot be explained wholly on this ground. It is a greater exaltation of its author to believe that its life was due to its intrinsic utility, and that Gracchus indicated real needs which, because they remained unsatisfied until the birth of the Principate, were ever the occasion for the renewal of proposals so closely modelled on his own.

When we turn from the social to the political changes of this period, we are on far less debatable ground. Although there may be some doubt as to the intention with which each reform was brought into existence by Caius Gracchus, its character as illustrated by its place in the economy of the commonwealth is so clearly stamped upon it and so potently manifested in the immediately following years, that a comprehensive discussion of the nature of his single measures would be merely an unprofitable effort to recall the past or anticipate the future. But the collective effect of his separate efforts has been subjected to very different interpretations, and the question has been further complicated by hazardous, and sometimes overconfident, attempts to determine how far the legislator's intentions were fulfilled in the actual result of his reforms. Because it can be shown that the changes introduced by Gracchus, or, to be more strictly accurate, the symptoms which elicited these changes, ultimately led to monarchical rule, Gracchus has been at times regarded as the conscious author and possessor of a personal

supremacy which he deliberately intended should replace the intricate and somewhat cumbrous mechanism which controlled the constitutional government of Rome; because he sowed the seeds of a discord so terrible as to be unendurable even in a state which had never known the absence of faction and conflict, and had preserved its liberties through carefully regulated strife, his work has been held to be that of some avenging angel who came, not to renew, but to destroy. There is truth in both these pictures; but the Gracchus whom they portray as the force that annihilated centuries of crafty workmanship, as the first precursor of the coming monarchy, is the Gracchus who rightly lives in the historic imagination which, unfettered by conditions of space or time, prefers the contemplation of the eternity of the work to that of the environment of the worker; it is a presentment which would be applicable to any man as able and as resolute as Gracchus, who attempted to meet the evils created by a weak and irresponsible administration, partly by the restoration of old forms, partly by the recognition of new and pressing claims. There is a point at which reform, except it go so far as to blot out a constitution and substitute another in its place, must act as a weakening and dissolving force. That point is reached when an existing government is effectually hampered from exercising the prerogatives of sovereignty and no other power is sufficiently strengthened to act as its unquestioned substitute. The dissolution will be easier if reform bears the not uncommon aspect of conservatism, and a nominal sovereign, whose strength, never very great, has been sapped by disuse and the habit of mechanical obedience, is placed in competition with a somewhat effete usurper. It is not, however, fair to regard Gracchus as a radical reactionary who was the first to drag a prisoned and incapable sovereign into the light of day. Had he done this, he would have been the author of a revolution and the creator of a new constitution. But this he never attempted to be, and such a view of his work rests on the mistaken impression that, at the time of his reforms, the senate was recognised as the true government of Rome. Such a pretension had never been published nor accepted. We are not concerned with its reality as a fact; but no sound analysis, whether undertaken by lawyer or historian, would have admitted its theoretical truth. The literary atmosphere teemed with theories of popular sovereignty of a limited kind, and Gracchus, while recognising this sovereignty, did little to remove its limitations. It is true that, like his brother, he

legislated without seeking the customary sanction of the senate; but initial reforms could never have been carried through, had the legislator waited for this sanction; and the future freedom of the Comitia from senatorial control was at best guaranteed by the force of the example of the Gracchi, not by any new legal ordinances which they ordained. Earlier precedents of the same type had not been lacking, and it was only the comprehensiveness of the Gracchan legislation which seemed to give a new impetus to the view that in all fundamental matters, which called for regulation by Act of Parliament, the people was the single and uncontrolled sovereign. Thus was developed the idea of the possibility of a new period of growth, which should refashion the details of the structure of the State into greater correspondence with the changed conditions of the times. As the earlier process of change had raised the senate to power, the latter might be interpreted as containing a promise that a new master was to be given to the Roman world. But it is highly improbable that to Gracchus or to any of his contemporaries was the true nature of the prophecy revealed. For the moment a balance of power was established, and the moneyed class stood midway between the opposing factions of senate and people. Its new powers were intended to constrain the senate into efficiency rather than to reduce it to impotence, and to create these powers Gracchus had endowed the equestrian order with that right of audit which, in the earlier theory of the constitution, had been held to be one of the securest guarantees of the power of the people.[1] Gracchus predicted the strife that was likely to follow this friction between the government and the courts;[2] but this prediction, while it perhaps reveals the hope that in the issues of the future the mercantile class would generally be found on the side of the people, betrays still more clearly the belief that the people, and their patron of the moment, were utterly incapable of standing alone, and that no true democratic government was possible for Rome. In spite of his Hellenism Gracchus betrayed two characteristics of the true Roman. He believed in the advisability of creating a political impasse, from which some mode of escape would ultimately be devised by the wearied and lacerated combatants; and he held firmly to the view that the people, considered strictly in itself, had no organic existence; that it never was, and never could be, a power in its own

[1] P. 105. [2] P. 221.

right. He made no effort to give the Roman Comitia an organisation which would have placed it on something like the independent level of a Greek Ecclesia. Such an omission was perhaps the result of neglect rather than of deliberation; but this very neglect proves that Gracchus had in no way emancipated himself from the typical Roman idea that the people could find expression only through the voice of a magistrate. This idea unquestionably made the leader of the moment the practical head of the State during any crisis that called for constant intervention on the part of the Comitia; but there is no reason to suppose a belief on the part of Gracchus that such intervention would be unremittingly demanded, would become as integral a part of the every-day mechanism of government as the senate's direction of the provinces or the knight's control of the courts. But even had he held this view, the situation which it conjured up need not have borne a close resemblance to monarchy. The natural vehicle for the expression of the popular will would have been the tribunate—an office which by its very nature presented such obvious hindrances to personal rule as the existence of colleagues armed with the power of veto, the short tenure of office, and the enjoyment of powers that were mainly negative. It is true that the Gracchi themselves had shown how some of these difficulties might be overcome. The attempt at re-election, the accumulation of offices, the disregard of the veto, were innovations forced on them by the knowledge, gained from bitter experience, that reform could proceed only from a power that was to some extent outside the constitution, and that the efficient execution of the contemplated measures demanded the concentration of varied types of authority in a single hand. Perhaps Caius faced the situation more frankly than his brother; but his consciousness of the necessity of such an occasional power in the State was accompanied by the belief that it would prove the ruin of the man who grasped it, that the work might be done but that the worker would be doomed. These gloomy anticipations were not the result of disordered nerves, but the natural fruit of the coldly calculating intellect which saw that supremacy either of or through the people was an illusion, that the power of the nobility must be resisted by keener and more durable weapons than the Comitia and its temporary leaders, that the authority of the senate might yield to a slow process of attrition, but would never be engulfed by any cataclysmic outburst of popular hostility. It was no part of the statesman's task to pry

into the future and vex himself with the query whether a new and permanent headship of the State might not be created, to play the all-pervading part which destiny had assigned to the senate. The senate's power had not vanished, it was not even vanishing. It was a solid fact, fully accepted by the very masses who were howling against it. Its decadence would be the work of time, and all the great Roman reformers of the past had left much to time and to fortune. The materials with which the Gracchi worked were far too composite to enable them to forecast the shape of the structure of which they were laying the foundations. The essential fact of the future monarchy, the growth of the military power, must have been almost completely hidden from their eyes. It is true that, in relation to the fall of the Republic and the growth of the monarchical idea, the Gracchi were more than mere preparatory or destructive forces. They furnished faint types, which were gladly welcomed by subsequent pretenders, of what a constitutional monarch should be. But it is ever hazardous to identify the destroyer with the creator or the type with the prophet.

CHAPTER V

THE common destiny which had attended the Gracchi was manifested even in the consequences of their fall. At both crises a brilliant but disturbing element had vanished, the work of the reformer remained, because it was the utterance of the people before whose sacred name the nobility continued to bow, the political atmosphere was cleared, the legitimate organs of government resumed their acknowledged sway. To speak of a restoration of power to the nobility after the fall of Caius Gracchus is to belie both the facts of history and the impressions of the times. There is little probability that either the nobles or the commons felt that the two years of successful agitation amounted to a change of government, or that the senate ever abandoned the conviction that the reformer, embarrassing as his proceedings might be on account of the obvious necessity for their acceptance, must succumb to the devices which had long formed the stock-in-trade of a successful senatorial campaign; while the transition from the guidance of Gracchus to that of the accredited representatives of the nobility was rendered all the easier by the facts that the authority of the tribune had long been waning, and that, for some months before his death, a large section of the people had been greedily fixing its eyes on an attractive programme which had been presented in the name of the senate. The suppression of the final movement had, it is true, been marked by an unexampled severity; but these stern measures had followed on an actual appeal to arms, which had elicited a response from the passive or quaking multitude and had made them in some sense participants in the slaughter. If it was terrible to think that three thousand citizens had been butchered in the streets or in the Tullianum, it was comforting to remember that they had been officially denounced as public enemies by the senate. There was no haunting sense of an inviolable wrong inflicted on the

tribunate, for Caius Gracchus had not been tribune when he fell; there was no memory, half bitter, half grotesque, of indiscriminate slaughter dealt by a mob of infuriated senators, for this latter and greater *émeute* had been suppressed by the regular forces of the State, led by its highest magistrate. The position of the government was more secure, the conscience of the people more easy than it had been after the massacre of Tiberius Gracchus and his followers. This feeling of security on the part of the government, and of acquiescence on that of the people, was soon put to the test by the prosecution of the ex-consul Lucius Opimius. His impeachment before the people by the tribune Decius[1] raised the vital question whether the novel powers which he had exercised in crushing Gracchus and his adherents, could be justified on the ground that they were the necessary, and in fact the only, means of maintaining public security. It was practically a question whether a new form of martial law should be admitted to recognition by the highest organ of the State, the voice of the sovereign people itself; and the discussion was rendered all the more piquant by the fact that that very sovereign was reminded that it had lately sanctioned an ordinance which forbade a capital penalty to be pronounced against a Roman citizen except by consent of the people. The arguments used on either side were of the most abstract and far-reaching character.[2] In answer to Decius's objection that the proceedings of Opimius were an obvious contravention of statute law, and that the most wanton criminality did not justify death without trial, the view, never unwelcome to the Roman mind, that there was a higher justice than law, was advanced by the champions of the accused. It was maintained that an ultimate right of self-defence was as necessary to a state as to an individual. The man who attempted to overturn the foundations of society was a public enemy beyond the pale of law; the man who resisted his efforts by

[1] Liv. *Ep.* lxi L. Opimius accusatus apud populum a Q. Decio tribuno plebis quod indemnatos cives in carcerem conjecisset, absolutus est. "In carcerem conjicere" does not express the whole truth. A magistrate could imprison in preparation for a trial. The words must imply imprisonment preparatory to execution and probably refer to death in the Tullianum.

[2] Cic. *de Orat.* ii. 30. 132; *Part. Orat.* 30. 104. In the latter passage Opimius is supposed to say "Jure feci, salutis omnium et conservandae rei publicae causa." Decius is supposed to answer "Ne sceleratissimum quidem civem sine judicio jure ullo necare potuisti." The cardinal question therefore is "Potueritne recte salutis rei publicae causa civem eversorem civitatis indemnatum necare?" *Cf.* Cic. *de Orat.* ii. 39. 165 Si ex vocabulo, ut Carbo: Sei consul est qui consuluit patriae, quid aliud fecit Opimius?

every means that lay to hand was merely fulfilling the duty to his country which was incumbent on a citizen and a magistrate. If this view were accepted, the complex issue at law resolved itself into a simple question of fact. Had the leader and the party that had been crushed shown by their actions that they were overt enemies of the State? The majority which acquitted Opimius practically decided that Gracchus and his adherents had been rendered outlaws by their deeds. The sentiment of the moment had been cleverly stirred by the nature of the issue which was put before them. Had the voters been Gracchans at heart, they would probably have paid but little attention to these unusual appeals to the fundamental principles of political life, and would have shown themselves supporters of the spirit, as well as of the letter, of the enactment whose author they had just pronounced an outlaw. For there could be no question that the Gracchan law, which no one dared assail, was meant to cover just the very acts of which Opimius had been guilty after the slaughter of the Gracchans in the streets had ended. The right to kill in an *émeute* might be a questionable point; but the power of establishing a military court for the trial of captured offenders was notoriously illegal, and could under very few circumstances have been justified even on the ground of necessity. The decision of the people also seemed to give a kind of recognition to the utterance of the senate which had preceded Opimius's display of force. It is quite true that no successful defence of violence could ever be rested on the formula itself. This "ultimate decree of the senate" was valued as a weighty and emphatic declaration of the existence of a situation which demanded extreme measures, rather than as a legal permit which justified the disregard of the ordinary rights of the citizen. But formulae often have a power far in excess of their true significance; they impose on the ignorant, and furnish both a shield and a weapon to their cunning framers. The armoury of the senate, or of any revolutionary who had the good fortune to overawe the senate, was materially strengthened by the people's judgment in Opimius's favour.[1] The favourable situation was immediately used to effect the recall of Publius Popillius Laenas. His restoration was proposed to the people by Lucius Bestia a tribune;[2] and

[1] *Cf.* Cic. *pro Sest.* 67. 140 (Opimium) flagrantem invidia propter interitum C. Gracchi semper ipse populus Romanus periculo liberavit.

[2] Cic. *Brut.* 34. 128 L. Bestia . . . P. Popillium vi C. Gracchi expulsum sua rogatione restituit. *Cf. post Red. in Sen.* 15. 38; *post Red. ad Quir.* 4. 10.

the people which had just sanctioned Opimius's judicial severities, did not betray the inconsistency of continuing to resent the far more restricted persecution of Popillius. Yet the step was an advance on their previous action; for they were now actually rescinding a legal judgment of their own, and approving of the actions of a court which had been established by the senate on its own authority without any previous declaration of the outlawry of its victims—a court whose proceedings were known to have directed the tenor of that law of Caius Gracchus, the validity of which was still unquestioned.

But even on the swell of this anti-Gracchan tide the nobility had still to steer its course with caution and circumspection. Personal prejudices were stronger than principles with the masses. They might sanction outrages which already had the blessing of men who represented, externally at least, the more respectable portion of Roman society; but they continued to detest individuals whose characters seemed to have grown blacker rather than cleaner by participation in, or even justification of, the recent acts of violence. One of our authorities would have us believe that even the aged Publius Lentulus, once chief of the senate, was sacrificed by his peers to the fate which had attended Scipio Nasica. He had climbed the Aventine with Opimius's troops and had been severely wounded in the ensuing struggle.[1] But neither his age nor his wounds sufficed to overcome the strange prejudice of the mob. Obloquy and abuse dogged his footsteps, until at length he was forced, in the interest of his own peace or security, to beg of the senate one of those honorary embassies which covered the retirement of a senator either for private business or for leisure, and to seek a home in Sicily.[2] His last public utterance was an impassioned prayer that he might never return to his ungrateful country: and the gods granted him his request. If this story is true, it proves that public opinion was stronger even than the voice of the Comitia. Lentulus, if put on his trial, would probably have been acquitted; but the resentful minority, which was powerless in the assembly, may have been sufficiently strong to make life unbearable to its chosen victim by its demeanour at public gatherings and in the streets. But even the Comitia had limits to its endurance. During the year which

[1] Cic. *in Cat.* iv. 6. 13; *Phil.* viii. 4. 14.

[2] Val. Max. v. 3. 2. The colouring of the story is doubted by Ihne (*Röm. Gesch.* v. p. 111). He thinks that perhaps Lentulus went to Sicily to restore his shattered health.

followed Opimius's acquittal there appeared before them a suppliant for their favour who had about equal claims to the gratitude and the hatred of both sections of the people. They were the self-destructive or corroborative claims of the statesman who is called a convert by his friends and a renegade by his foes. No living man of the age had stood in a stronger political light than Carbo. An active assistant of Tiberius Gracchus, and so embittered an opponent of Scipio Aemilianus as to be deemed the author of his death,[1] he had severed his connection with the party of reform, probably in consequence of the view that the extension of the franchise which had become embedded in their programme was either impracticable or undesirable. He must have proved a welcome ally to the nobility in their struggle with Caius Gracchus, and their appreciation of his value seems proved by the fact that he was elected to the consulship in the very year of the tribune's fall, when the influence of the senate, and therefore in all probability their power of controlling the elections, had been fully re-established. The debt was paid by a vigorous championship of the cause of Opimius, which was heard during the consulship of Carbo.[2] The chief magistrate spoke warmly in defence of his accused predecessor in office, and declared that the action of Opimius in succouring his country was an act incumbent on the consul as the recognised guardian of the State.[3] No man had greater reason to feel secure than Carbo, who had so lately tested the suffrages of the people as electors and as judges; yet no man was in greater peril. It seems that, while exposed on the side of his former associates to the impotent rage which is excited by the success of the convert, who is believed to have been rewarded for his treachery, he had not won the confidence, or at least could not arouse the whole-hearted support, of his new associates and their following in the assembly. Perhaps the landlords had not forgiven the agrarian commissioner, nor the moderates the vehement opponent of Scipio; to the senate he had served his purpose, and they may not have thought him serviceable enough to deserve the effort which had rescued Opimius. Carbo was, in fact, an inviting object of attack for any young political adventurer who wished to inaugurate his career by the overthrow of a distinguished political victim, and to sound a note of liberalism which should not grate too harshly in the ears of men of moderate views.

[1] P. 161. [2] Cic. *de Orat.* ii. 25. 106; 39. 165; 40. 170.
[3] *Ibid.* ii. 39. 165 (quoted p. 278, note 2).

The assailant was Lucius Crassus,[1] destined to be the greatest orator of his day, and a youth now burning to test his eloquence in the greatest field afforded by the public life of Rome, but scrupulous enough to take no unfair advantage of the object of his attack.[2] We do not know the nature of the charge on which Carbo was arraigned. It probably came under the expansive conception of treason, and was possibly connected with those very proceedings in consequence of which Opimius had been accused and acquitted.[3] That the charge was of a character that had reference to recent political events, or at least that the prosecutor felt himself bound to maintain some distinct political principle of a liberal kind, is proved by the regret which Crassus expressed in his maturer years that the impetus of youth had led him to take a step which limited his freedom of action for the future.[4] Some compunction may also have been stirred by the unexpected consequence of his attack; for Carbo, perhaps realising the animosity of his judges and the weakness or coldness of his friends, is said to have put an end to his life by poison.[5] Voluntary exile always lay open to the Roman who dared not face the final verdict; and the suicide of Carbo cannot be held to have been the sole refuge of despair; it is rather a sign of the bitterness greater than that of death, which may fall on the soul of a man who can appeal for sympathy to none, who knows that he has been abandoned and believes that he has been betrayed. The hostility of his countrymen pursued him beyond the grave; the aristocratic historian could not forget the seditious tribune, and the contemporary chronicles which moulded and handed on the conception of Carbo's life, showed the usual incapacity of such writings to appreciate the possibility of that honest mental detachment from a suspected cause which often leads, through growing dissension with past colleagues and increasing co-operation with new, to a more violent advocacy of a new faith than is often shown by its habitual possessors.

[1] Cic. *Brut.* 43. 159 Crassus . . . accusavit C. Carbonem, eloquentissimum hominem, admodum adulescens. *Cf. de Orat.* i. 10. 39.

[2] Valerius Maximus (vi. 5. 6) tells the story that a slave of Carbo's brought Crassus a letter-case (*scrinium*) full of compromising papers. Crassus sent back the case still sealed and the slave in chains to Carbo.

[3] Mommsen *Hist. of Rome* bk. iv. c. 4.

[4] Cic. *in Verr.* iii. 1. 3 Itaque hoc, judices, ex . . . L. Crasso saepe auditum est, cum se nullius rei tam paenitere diceret quam quod C. Carbonem unquam in judicium vocavisset.

[5] Cic. *ad Fam.* ix. 21. 3 (C. Carbo) accusante L. Crasso cantharidas sumpsisse dicitur. Valerius Maximus (iii. 7. 6) implies that Carbo was sent into exile. But the two stories are not necessarily inconsistent.

The records of the political contests which occupied the two years succeeding the downfall of Caius Gracchus, are sufficient to prove that political thought was not stifled, that practically any political views—saving perhaps such as expressed active sympathy with the final efforts of Caius Gracchus and his friends—might be pronounced, and that the nobility could only maintain its influence by bending its ear to the chatter of the streets and employing its best instruments to mould the opinion of the Forum by a judicious mixture of deference and exhortation. The senate knew itself to be as weak as ever in material resources; government could not be maintained for ever by a series of *coups d'état*, and the only method of securing the interests of the rulers was to maintain the confidence of the majority and to presume occasionally on its apathy or blindness. This was the attitude adopted with reference to the proposals which had lately been before the people. Drusus's scheme of colonisation was not withdrawn, but its execution was indefinitely postponed,[1] and the same treatment was meted out to the similar proposals of Caius Gracchus. Two of his Italian colonies, Neptunia near Tarentum and Scylacium, seem actually to have survived; but this may have been due to the fact that the work of settlement had already commenced on these sites, and that the government did not venture to rescind any measure which had been already put into execution. It was indeed possible to stifle the settlement on the site of Carthage, for here the superstition of the people supported the objections of the senate, and the question of the abrogation of this colony had been raised to such magnitude by the circumstances of Gracchus's fall that to withdraw would have been a sign of weakness. But even this objectionable settlement in Africa gave proof of the scruples of the senate in dealing with an accomplished fact. When the Rubrian law was repealed, it was decided not to take from the *coloni* the lands which had already been assigned; no religious pretext could be given for their disturbance, for the land of Carthage was not under the ban that doomed the city to desolation; and the colonists remained in possession of allotments, which were free from tribute, were held as private property, and furnished one of the earliest examples of a Roman tenure of

[1] Appian (*Bell. Civ.* i. 35) says that the younger Livius Drusus (91 B.C.) τὸν δῆμον . . . ὑπήγετο ἀποικίαις πολλαῖς ἔς τε τὴν Ἰταλίαν καὶ Σικελίαν ἐψηφισμέναις μὲν ἐκ πολλοῦ, γεγονυίαις δὲ οὔπω. These colonies could only have been those proposed by his father.

land on provincial soil.[1] The assignment was by the nature of the case changed from that of the colonial to that of the purely agrarian type; the settlers were members of Rome alone and had no local citizenship, although it is probable that some modest type of urban settlement did grow up outside the ruined walls of Carthage to satisfy the most necessary requirements of the surrounding residents.

The benefits conferred by the Gracchi on the poorer members of the proletariate were also respected. The corn law may have been left untouched for the time being[2]—a natural concession, for the senate could only hope to rule by its influence with the urban mob, and, in the case of so simple an institution, any modification would have been so patent an infringement of the rights of the recipients as to have immediately excited suspicion and anger. With the agrarian law it was different. Its repeal was indeed impossible; but the land-hunger of the dispossessed capitalists might to some extent be appeased by a measure that was not only tolerable, but welcome; and modifications, so gradual and subtle that their meaning would be unintelligible to the masses, might subsequently be introduced to remedy observed defects, to calm the apprehensions of the allies, and perhaps to secure the continuance of large holdings, if economic causes should lead to their revival. The agrarian legislation of the ten years that followed the fall of Caius Gracchus, seems to have been guided by the wishes of the senate; but much of it does not bear on its surface the signs which we might expect of capitalistic influence or oligarchic neglect of the poor. Large portions of it seem rather to reveal the desire of banishing for ever a harrowing question which was the opportunity of the demagogue; and the peculiar mixture of prudence, liberality, and selfishness which this legislation reveals, can only be appreciated by an examination of its separate stages.

[1] Mommsen in C. I. L. 1 pp. 75 ff. *Cf.* p. 227. We have no record of the tenure by which Romans held their lands in such settlements as Palma and Pollentia (p. 189). They too may have been illustrations of what was known later as the *jus Italicum*.

[2] We know that the corn law of C. Gracchus was repealed or modified by a *lex Octavia*. Cic. *Brut.* 62. 222 (M. Octavius) tantum auctoritate dicendoque valuit, ut legem Semproniam frumentariam populi frequentis suffragiis abrogaverit. *Cf. de Off.* ii. 21. 72. But the date of this alteration is unknown and it may not have been immediate. If it was a consequence of Gracchus's fall, as is thought by Peter (*Gesch. Roms.* ii. p. 41), the distributions may have been restored *circa* 119 B.C. (see p. 287). We shall see that in the tribunate of Marius during this year some proposal about corn was before the people (Plut. *Mar.* 4).

Shortly after the death of Caius Gracchus—perhaps in the very year of his fall—a law was passed permitting the alienation of the allotments.[1] This measure must have been as welcome to the lately established possessors as it was to the large proprietors; it removed from the former a galling restraint which, like all such legal prohibitions, formed a sentimental rather than an actual grievance, but one that was none the less keenly felt on that account; while to the latter it offered the opportunity of satisfying those expectations, which the initial struggles of the newly created farmers must in many cases have aroused. The natural consequence of the enactment was that the spurious element amongst the peasant-holders, represented by those whose tastes and capacities utterly unfitted them for agriculture, parted with their allotments, which went once more to swell the large domains of their wealthier neighbours.[2] We do not know the extent or rapidity of this change, or the stage which it had reached when the government thought fit to introduce a new agrarian law, which may have been two or three years later than the enactment which permitted alienation.[3] The new measure contained three important provisions.[4] Firstly, it forbade the further distribution of public land, and thus put an end to the agrarian commission which had never ceased to exist, and had continued to enjoy, if not to exercise, its full powers since the restoration of its judicial functions by Caius Gracchus. We cannot say to what extent the commission was still encountering claims on its jurisdiction and powers of distribution at the time of its disappearance; but fourteen years is a long term of power for such an extraordinary office, whose work was necessarily one of perpetual unsettlement; and the disappearance of the triumvirs must have been welcome, not only to the existing Roman occupants of land which still remained public, but to those of the Italians to whom the commission had ever been a source of apprehension. The extinction of the office must have been regarded with indiffer-

[1] App. *Bell. Civ.* i. 27 *νόμος τε οὐ πολὺ ὕστερον ἐκυρώθη, τὴν γῆν, ὑπὲρ ἧς διεφέροντο, ἐξεῖναι πιπράσκειν τοῖς ἔχουσιν.*

[2] App. *l.c.* *καὶ εὐθὺς οἱ πλούσιοι παρὰ τῶν πενήτων ἐωνοῦντο, ἢ ταῖσδε ταῖς προφάσεσιν ἐβιάζοντο.*

[3] The law permitting alienation may have been in 121 B.C. The year 119 or 118 B.C. (*πεντεκαίδεκα μάλιστα ἔτεσιν ἀπὸ τῆς Γράκχου νομοθεσίας*) is given by Appian (*l.c.*) for one of the two subsequent laws which he speaks of. It is probably the date of the first of these, the one which we are now considering.

[4] App. *l.c.* *Σπόριος Θόριος δημαρχῶν ἐσηγήσατο νόμον, τὴν μὲν γῆν μηκέτι διανέμειν, ἀλλ' εἶναι τῶν ἐχόντων, καὶ φόρους ὑπὲρ αὐτῆς τῷ δήμῳ κατατίθεσθαι, καὶ τάδε τὰ χρήματα χωρεῖν ἐς διανομάς.*

ence by those for whom the commission had already provided, and by the large mass of the urban proletariate which did not desire this type of provision. The residuum of citizens which still craved land may be conceived to have been small, for eagerness to become an agriculturist would have suggested an earlier claim; and the passing of the commission was probably viewed with no regret by any large section of the community. The law then proceeded to establish the rights of all the occupants of land in Italy that had once been public and had been dealt with by the commission. To all existing occupants of the land which had been assigned, perfect security of tenure was given, and this security may have been extended now, as it certainly was later, to many of the occupants who still remained on public land which had not been subjected to distribution. So far as the land which had been assigned was concerned, this law could have made no specification as to the size of the allotments, for the law permitting alienation had made it practically private property and given its purchaser a perfectly secure title. Hence the accumulations which followed the permit to alienate were secured to their existing possessors, and a legal recognition was given to the formation of such large estates as had come into existence during the last three years. But the security of tenure was conditioned by the reimposition of the dues payable to the State, which had been abolished by Drusus. We are not informed whether these dues were to be henceforth paid only by those who had received allotments from the land commission, or by all in whose hands such allotments were at the moment to be found; perhaps the intention was to impose them on all lands that had been public before the tribunate of Tiberius Gracchus; although many of the larger proprietors, who had recently added to their holdings, might have urged in their defence that they had acquired the land as private property and that it was burdened by no dues at the time of its acquisition. But, even if this burden fell mainly on the class of smaller possessors, it could scarcely be regarded as a grievance, for it had formed part of the Gracchan scheme, and there was no legitimate reason why the newly established class of cultivators should be placed in a better position than the older occupants of the public domain, who still paid dues both on arable land and for the privilege of pasturing their flocks. The temporary motive which had led to their abolition had now ceased to exist, for the agricultural colonies of Drusus, who had promised land free

from all taxes, had not been established, and the chief, almost the sole, example of a recent assignment on such liberal principles was to be discovered in distant Africa. But, even if the cultivators grumbled, their complaints were not dangerous to the government. They would have found no echo at Rome, where the urban proletariate was content with the easier provision which had been made for its support; and the new revenues from the public land were made still more acceptable to the eyes of the masses by the provision contained in this agrarian law that they should be employed solely for the benefit of needier citizens. The precise nature of the promised employment is unhappily unknown, our authority merely informing us that "they were to be used for purposes of distribution".[1] We cannot understand by these words free gifts either in money or corn; for such extreme measures never entered even into the social ideals of Caius Gracchus, and the senate to its credit never deigned to purchase popularity through the pauperising institutions by which the Caesars maintained the security of their rule in Rome. The words might imply an extension of the system of the sale of cheap corn, or a cheapening of the rates at which it was supplied; but the Gracchan system seems hardly to have admitted of extension, so far as the number of recipients was concerned, and cheaper sales would hardly have been encouraged by a government, which, anxious as it was to secure popularity, was responsible for the financial administration of the State and looked with an anxious eye upon the existing drain on the resources of the treasury.[2] Perhaps the new revenues were held up to the people as a guarantee that the sale of cheap corn would be continued, and public confidence was increased when it was pointed out that there was a special fund available for the purpose. If we abandon the view that the promised employment of the revenues in the interest of the people referred to the distribution of corn, there remains the possibility that it had reference to the acquisition of fresh land for assignation. This promise would indeed have rendered practicable the partial realisation of the shadowy schemes of Drusus, which had never been officially withdrawn; but it is doubtful whether it would have done much to strengthen the hold of the government upon the urban voter; for the whole scheme of this new land law seems to

[1] P. 285, note 4.

[2] If Gracchus's corn law was abolished or modified immediately after his fall (p. 284, note 2), the corn largesses may now have been restored or extended. *Cf.* p. 306.

prove that the agrarian question was viewed with indifference, and no pressure seems to have been put on the government to carry their earlier promises into effect.

Apart from the welcome prospect implied in the abolition of the agrarian commission, no positive guarantee against disturbance had yet been given to the Latins and Italians. This was formally granted, in terms unknown to us, at the appropriate hands of Marcus Livius Drusus during his tenure of the consulship.[1] The senate, now that it had satisfied the larger proprietors and the urban proletariate, and could boast that it had at least not injured the smaller cultivators, completed its work of pacification by holding out the hand of fellowship to the allies. It was tacitly understood that the new friend was not to ask for more, but he might be induced to look to the senate as his refuge against the rapacity of the mob and the recklessness of its leaders.

Shortly afterwards the tribune Spurius Thorius[2] carried a law which again abolished the *vectigal* on the allotments. If we regard this measure as an independent effort on the part of the tribune, it may have been an answer to the protests of the smaller agriculturists still struggling for existence; if it was dictated by the senate, it may have been due to the absorption of the allotments by the larger proprietors and their unwillingness to pay dues for land which they had added to their private property. But, to whatever party we may assign it, we may see in it also the desire to reach a final settlement of the agrarian question by abolishing all the invidious distinctions between the different tenures of land which had once formed part of the public domain. It removed the injustice of burdening the small holding with a rent which was not exacted from estates that had been partly formed by accretions of such allotments;[3] and by the abolition of all dues[4] it tended to remove all land which had been assigned, from the doubful category to which it had hitherto belonged of possessions which, though in a sense private,

[1] Some such guarantee may be inferred from a passage in the *lex Agraria* (l. 29) Item Latino peregrinoque, quibus M. Livio L. Calpurnio [cos. in eis agris id facere . . . ex lege plebeive sc(ito) exve foedere licuit.

[2] Cic. *Brut.* 36. 136 Sp. Thorius satis valuit in populari genere dicendi, is qui agrum publicum vitiosa et inutili lege vectigali levavit. *Cf. de Orat.* ii. 70. 284. Appian, on the other hand, makes Sp. Thorius the author of the law preceding this (p. 285). It is possible that Cicero may be mistaken, but, if he is correct, the fragments of the agrarian law which we possess may be those of the *lex Thoria*, the name given to it by its earlier editors. For a different view see Mommsen in C. I. L. i. pp. 75 ff.

[3] P. 75.

[4] App. *Bell Civ.* i. 27 *τοὺς φόρους οὐ πολὺ ὕστερον διέλυσε δήμαρχος ἕτερος.*

still recognised the overlordship of the State, and to revive in all its old sharpness the simple distinction between public and private land. This tendency makes it probable that the law of Thorius is identical with one of which we possess considerable fragments; for this partially preserved enactment is certainly as sweeping a measure as could have been devised by any one eager to see the agrarian question, so far as it affected Italian soil, finally removed from the region of political strife.

Internal evidence makes it probable that this law was passed in the year 111 B.C.,[1] and consequently at the close of that period of comparative quiescence which was immediately followed by the political storm raised by the conduct of the war in Numidia. It may, therefore, be regarded as a product of senatorial enlightenment, although its provisions would be quite as consistent with the views of a tolerably sober democrat. The main scope of the enactment is to give the character of absolute private ownership, unburdened by any restrictions such as the payment of dues to the State, to nearly all the land which had been public at the time of the passing of the agrarian law of Tiberius Gracchus. The first provisions refer to lands which had not been dealt with by the agrarian commissioners. Any occupant of the public domain, who has been allowed to preserve his allotment intact, because it does not exceed the limit fixed by the earlier laws, and any one who has received public land from the State in exchange for a freehold which he has surrendered for the foundation of a colony, is henceforth to hold such portions of the public domain as his private property. The same provision holds for all land that has been assigned, whether by colonial or agrarian commissioners. The first class of assignments are those incidental to the one or two colonies of Caius Gracchus, and perhaps of Drusus, that were actually established in Italy. Even at the time of settlement such land must have been made the private property of its holders; and this law, therefore,

[1] The latest years to which it refers are those of the censors of 115 and the consuls of 113, 112 and 111. The harvest and future vintage of 111 are referred to (l. 95), and it has, therefore, been assigned to some period between January 1 and the summer of this year. See Rudorff *Das Ackergesetz des Sp. Thorius* and *cf.* Mommsen *l.c.* It is a curious fact, however, that a law dealing with African land amongst others should have been passed in the first year of active hostilities with Jugurtha. From this point of view the date which marks the close of the Jugurthine war, suggested by Kiene (*Bundesgenossenkrieg* p. 125), *i.e.*, 106 or 105 B.C., is more probable. But the objection to this view is that the law contains no reference to the censors of 109. See Mommsen *l.c.*

but confirms the tenure, and implies the validity of the act of colonisation. Such land is mentioned as having been "given and assigned in accordance with a resolution of the people and the plebs," and all cases in which recent colonial laws had been repealed or dropped—cases which would include Caius Gracchus's threatened partition of the Campanian territory—are tacitly excluded. The second class of assigments refer to those made by the land-commissioners during the whole period of their chequered existence, and the land whose private character is thus confirmed, must have covered much the larger part of what had once been the State's domain in Italy.

A certain portion of this domain still remains, however, the property of the State and is not converted into private land. The whole of the soil which had been given in usufruct to colonies and municipal towns, is retained in its existing condition; the holders, whether Latin colonists or Roman citizens, are confirmed in their possessions; but, as the land still remains public, they are doubtless expected to continue to pay their quit-rent to the State. Similar provision is made for a peculiar class of land, which had been given by Rome as security for a national debt. The debt had never been liquidated, probably because the creditors preferred the land. This they were now to retain on condition of continued payment of the quit-rent, which marked the fact that the State was still its nominal owner. A public character is also maintained for land which had been assigned for the maintenance of roads.[1] Here we find the only instance of an actual assignation of the Gracchan commissioners which was not converted into private property; the obvious reason for this exception being that these occupants performed a specific and necessary duty, which would disappear if their tenure was converted into absolute ownership. Exception against ownership was also made for those commons on which the occupants of surrounding farms had an exclusive right of sending their flocks to pasture;[2] for the conversion of such grazing land into private lots would have injured the collective interests, and conferred little benefit on the individuals of the group.[3] The remaining classes of land which still remain the property of the State, are the roads of Italy, such

[1] See p. 229.

[2] *Ager compascuus.* See Mommsen *l.c.* and Voigt *Über die staatsrechtliche possessio und den ager compascuus der röm. Republik.*

[3] The *pastores* also must often have been too indefinite a body to make it possible to treat them as joint owners.

public land as had been specially exempted from distribution by the legislation of the Gracchi, and such as had remained public on other grounds. The only known instance of the first class is the Campanian territory, which continued to be let on leases by the State and to bring to the treasury a sure and considerable revenue; the second class was probably represented by land which was not arable and had for this reason escaped distribution. The law provides that it is not to be occupied but to serve the purposes of grazing-land, and a limit is fixed to the number of cattle and sheep belonging to a single owner to which it is to afford free pasturage. For the enjoyment of grazing-rights beyond this limit dues are to be paid to the contractors who have purchased the right of collection from the State.

The law then quits the public domains of Italy for those of Africa and Corinth, partly for the purpose of specifying with exactitude the rights of the various occupiers and tenants who were settled on the territories, but chiefly with the object of effecting the sale of some of the public domain in the province of Africa and the dependency of Achaea. This intention of alienation is perhaps the chief reason why the great varieties of tenure of the African soil are marshalled before us with such detail and precision; for it was necessary, in view of the contemplated sale, to re-assert the stability of rights that should be secure by their very nature or had been guaranteed by solemn compact. But the occasion of a comprehensive settlement of the agrarian question in Italy was no doubt gladly seized as affording the right opportunity for surveying, revising, and establishing the claims of those who were in enjoyment of what was, or had been, the provincial domain of Rome across the seas. The rights of Roman citizens and subjects are indifferently considered, and amongst the former those of the settlers who had journeyed to Africa in accordance with the promises of the Rubrian law are fully recognised. The degree of permanence accorded to the manifold kinds of tenure passed in review can not be determined from our text; but, even when all claims that deserved a permanent recognition had been subtracted, there still remained a residuum of land, leased at quinquennial intervals by the censors, which might be alienated without the infliction of injury on established rights. We do not know to what extent this sale, the mechanism for which was minutely provided for in the law, was carried in Africa; its application to the domain land of Corinth

was either withdrawn or, if carried out, was but slight or temporary; for Corinthian land remained to be threatened by later agrarian legislation. It is not easy to suggest a motive for this sale; for it would seem a short-sighted policy to part, on an extensive scale and therefore presumably at a cheapened rate, with some of the most productive land in the world, such as was the African domain of the period, in order to recoup the treasury for the immediate pecuniary injury which it was suffering in the loss of the revenues from the public land of Italy. Perhaps the government had grown suspicious of the operations of the middle-men, and, since they had restricted their activity by limiting the amount of public land in Italy, deemed a similar policy advisable in relation to some of their foreign dependencies.

The length at which we have dwelt on this law is proportionate to its importance in the political history of the times, and if we possessed fuller knowledge of its effects, we should doubtless be able to add, in their social history as well. Its economic results, however, are exceedingly obscure, and possibly it produced none worthy of serious consideration; for the artificial stability which it may have seemed to give to the existing tenure of land could in no way check the play of economic forces. If these tendencies were still in favour of large holdings,[1] the process of accumulation must have continued, and, as we have before remarked, the accumulator was in a securer position when purchasing land which was admittedly the private property of its owner, than when buying allotments which might be held to be still liable to the public dues. On the other hand, the remission of the impost must have relieved, and the sense of private ownership inspired, the labours of the smaller proprietors; and the perpetuation of a considerable proportion of the Gracchan settlers is probable on general grounds. The reason why it is difficult to give specific reasons for this belief is that, at the time when we next begin to get glimpses of the condition of the Italian peasant class, the great reform had been effected which incorporated the nations of Italy into Rome. The existence of numerous small proprietors in the Ciceronian period is attested, but many of these may have been citizens recently given to Rome by the Italian

[1] The tribune L. Marcius Philippus, when introducing an agrarian law in 104 B.C., made the startling statement "Non esse in civitate duo milia hominum, qui rem haberent" (Cic. *de Off.* ii. 21. 73). If there was even a minimum of truth in his words, the expression "qui rem haberent" must mean "moneyed men," "people comfortably off".

stocks, amongst whom agriculture on a small scale had never become extinct.[1]

But the political import of this measure is considerable. By restricting to narrow limits all the land of Italy to which the State could make a claim, it altered the character of agrarian agitation for the future. It did not indeed fulfil its possible object of obviating such measures; but it rendered the vested interests of all Italian cultivators secure, with the exception of the lessees of the leased domain, who perhaps had no claim to permanence of tenure. This domain was represented chiefly by the Campanian land: and the reformer who would make this territory his prey, injured the finances of the State more than the interests of the individual. If he desired more, he must seek it either in the foreign domains of Rome or by the adoption of some scheme of land purchase. Assignment of lands in particular districts of Italy or in the provinces naturally took the form of colonisation, and this is the favourite shape assumed by the agrarian schemes of the future. Rome was still to witness many fierce controversies as to the merits of the policy of colonial expansion, and as to the wisdom of employing public property and public revenues to this end; the rights of the conqueror to the lands of his vanquished fellow-citizens were also to be cruelly asserted, and the civil wars also invited a species of brigandage for the attainment of possession which too often replaced the judgments of the courts; but never again do we find a regular political warfare waged between the rich and the poor for the possession of territories to which each of the disputants laid claim. The storm which had burst on the Roman world with the land law of Tiberius Gracchus had now spent its force. It had undoubtedly produced a great change on the face of Italy; but this was perhaps more striking in appearance than in reality; neither the work of demolition, nor the opportunities offered for renewal, attained the completeness which they had presented in the reformer's dreams.

But the peace of the citizen body was not the only blessing believed to be secured by this removal of a temptation to tamper with Italian lands. The anxieties of the Latins and Italians were also quieted, although it may be questioned whether the memory of past wrongs, now rendered irrevocable by the progress of recent agrarian experiments, did not enter into the agitation for the con-

[1] P. 78.

ferment of the franchise, which they still continued to sustain. The last great law, following the spirit of the enactment of Drusus which had preceded it by about a year, does indeed show traces of an anxiety to respect Italian claims. Apart from the fact, which we have already mentioned, that all lands which had been granted in usufruct to colonists, were still to be public and were, therefore, in the case of Latin colonies, to be at the disposal of the communities to which they had been granted by treaty, the law contains a special provision for the maintenance of the rights of Latins and Italians, so far as they are in harmony with the rights allowed to Roman citizens by the enactment.[1] The guarantees which had been sanctioned by Drusus, were therefore respected; but their observance was conditioned by the rule that all prohibitions now created for Romans should be extended to the allies. As we do not know the purport of Drusus's measure, or the practices current on the Roman domains occupied by Latins, we cannot say whether this clause produced any derogation of their rights; but it must have limited the right of free pasturage on the public commons, if they had possessed this in a higher degree than was now permitted, and the right to occupy public land was also forbidden them in the future. But it was from the negative point of view that the law might be interpreted as creating or perpetuating a grievance; for some of the positive benefits which it conferred seem to have been limited to Romans. The land which it makes private property, is land which has been assigned by colonial or agrarian commissioners, or land which has been occupied up to a certain limit. If colonial land had really been assigned to Latins by Caius Gracchus, their rights are retained by this law, if they had been made Roman citizens at the time of the settlement; but if they had been admitted as participants in the agrarian distribution throughout Italy, their rights as owners are not confirmed with those of Roman citizens; and the Latin who merely occupied land was not given the privilege of the Roman possessor of becoming the owner of the soil, if his occupation were restricted within a certain limit.[2] He still retained merely a precarious possession, for which dues to the State were probably exacted. It was

[1] Mommsen in C. I. L. *l.c.*

[2] Kiene also thinks (*Bundesgenossenkrieg* p. 146) that the right given by the law of exchanging a bit of one's own land for an equivalent bit of the public domain, which became private property, was reserved solely for the citizen.

something to have rights confirmed, but they probably appeared less valuable when those of others were extended. A more generous treatment could hardly have been expected from a law of Rome dealing with her own domain, primarily in the interests of her own citizens; but the Italians were tending to forget their civic independence, and chose rather to compare their personal rights with those of the Roman burgesses. Such a comparison applied to the final agrarian settlement must have done something to emphasise their belief in the inferiority of their position.

This review of the legislation on social questions which was initiated or endured by the senate, shows the tentative attitude adopted by the nobility in their dealings with the people, and proves either a statesmanlike view of the needs of the situation or the entire lack of a proud consciousness of their own immunity from attack. Even had they possessed the power to dictate to the Comitia, they were hemmed in on another side; for they had not dared to raise a protest against the law of Gracchus which transferred criminal jurisdiction over the members of their own order to the knights. The equestrian courts sat in judgment on the noblest members of the aristocracy; for the political or personal motives which urged to prosecution were stronger even than the camaraderie of the order, and governors of provinces were still in danger of indictment by their peers. Within two years of the transference of the courts, Quintus Mucius Scaevola, known in later life as "the Augur" and famed for his knowledge of the civil law, returned from his province of Asia to meet the accusation of Titus Albucius.[1] The knights did not begin by a vindictive exercise of their authority. Although Asia was the most favoured sphere of their activity, Scaevola was acquitted. Seven years later they gave a stern and perhaps righteous example of their severity in the condemnation of Caius Porcius Cato.[2] The accused when consul had obtained Macedonia as his province, and had waged a frontier war with the Scordisci, which ended in the annihilation of his forces and his own narrow escape from the field of battle. His ill-success perhaps deepened the impression made by his extortions in Macedonia, and he was sentenced to the payment of a fine. Neither in the case of the acquittal nor in that of the condemnation does political bias seem to have influenced the judgment of the courts,

[1] Cic. *Brut.* 26. 102; *de Orat.* ii. 70. 281; *de Fin.* i. 3. 8.
[2] Vellei. ii. 8; Cic. *in Verr.* iii. 80. 184; iv. 10. 22.

and the equestrian jurors may have seemed for a time to realise the best hopes which had inspired their creation.

The attention of the leading members of the nobility was probably too absorbed by the problem of adapting senatorial rule to altered circumstances to allow them the leisure or the inclination to embark on fresh legislative projects of their own. Our record of these years is so imperfect that it would be rash to conclude that the scanty proposals on new subjects which it reveals exhausted the legislative activity of the senate; but had they done so, the circumstance would be intelligible; for the work that invited the attention of the senate in its own interest, was one of consolidation rather than of reform; the political feeling of the time put measures of a distinctly reactionary character, such as might have been welcomed by the more conservative members of the order, wholly out of the question; and the government was not likely, except under compulsion, to undertake legislation of a progressive type. The only important law of the period certainly proceeding from governmental circles, and dealing with a question that was novel, in the sense that it had not been heard of for a considerable number of years and had played no part in the Gracchan movements, was one passed by the consul Marcus Aemilius Scaurus. It dealt with the voting power of the freedmen,[1] and probably confirmed its restriction to the four city tribes. It is difficult to assign a political meaning to this law, as we do not know the practice which prevailed at the time of Scaurus's intervention; but it is probable that the restriction imposed by the censors of 169, who had confined the freedmen to a single tribe,[2] had not been observed, that great irregularity prevailed in the manner of their registration, and that Scaurus's measure, which was a return to the arrangement reached at the end of the fourth century, was intended to restrict the voting privileges of the class. This interpretation of his intention would seem to show that the increasing liberality of the Roman master had created a class the larger portion of which was not dependent on the wealthier and more conservative section of the citizen body, or was at least enabled to assert its freedom from control through the secrecy of the ballot. The interests of the class were almost identical with those of the free proletariate, in which the des-

[1] [Victor] *de Vir. Ill.* 72 Consul legem de sumptibus et libertinorum suffragiis tulit.

[2] Liv. xlv. 15.

cendants of the freedmen were merged: and the law of Scaurus, which strengthened the country vote by preventing this urban influence spreading through all the tribes, may be an evidence that the senate distrusted the present passivity of the urban folk, and looked forward with apprehension to a time when they might have to rely on the more stable element which the country districts supplied. We shall see in the sequel that this anticipation of the freedmen's attitude was not unjustified, and that the increase of their voting power still continued to be an effective battle-cry for the demagogue who was eager to increase his following in the city.

Scaurus was also the author of a sumptuary law.[1] It came appropriately from a man who had been trained in a school of poverty, and shows the willingness of the nobility to submit, at least in appearance, to the discipline which would present it to the world as a self-sacrificing administration, reaping no selfish reward for its intense labour, and submitting to that equality of life with the average citizen which is the best democratic concession that a powerful oligarchy can make. The activity of the censorship was exhibited in the same direction. Foreign and expensive dishes were prohibited by the guardians of public morals, as they were by Scaurus's sumptuary law:[2] and the censors of 115, Metellus and Domitius, undertook a scrutiny of the stage which resulted in the complete exclusion from Rome of all complex forms of the histrionic art and its reduction to the simple Latin type of music and song.[3] Their energy was also displayed in a destructive examination of the morals of their own order, and as a result of the scrutiny thirty-two senators were banished from the Curia.[4] To guard the senate-house from scandal was indeed the necessary policy of a nobility which knew that its precarious power rested on the opinion of the streets; and the efforts of the censors, directed like those of their predecessors, to a regeneration which had a national type as its goal, show that that opinion could not yet have been considered wholly cosmopolitan or corrupt. The frequent splendour of tri-

[1] [Victor] *l.c.*

[2] Plin. *H. N.* viii. 57. 223.

[3] Cassiodor. *Chron.* L. Metellus et Cn. Domitius censores artem ludicram ex urbe removerunt praeter Latinum tibicinem cum cantore et ludum talarium. The *ludus talarius* in its chief form was a game of skill, not of chance. The reference here may be to juggling with the *tali* on the stage, not to the pursuit of the game in domestic life.

[4] Liv. *Ep.* lxiii.

umphal processions, such as those which celebrated the victories of Domitius and Fabius over the Allobroges, of Metellus over the Dalmatians, and of Scaurus over the Ligurians,[1] produced a comfortable impression of the efficiency of the government in extending or preserving the frontiers of the empire; the triumph itself was the symbol of success, and few could have cared to question the extent and utility of the achievement. Satisfied with the belief that they were witnessing the average type of successful administration, the electors pursued the course, from which they so seldom deflected, of giving their unreserved confidence to the ancient houses; and this epoch witnessed a striking instance of hereditary influence, if not of hereditary talent, when Metellus Macedonicus was borne to his grave by sons, of whom four had held curule office, three had possessed the consulship, and one had fulfilled in addition the lofty functions of the censor and enjoyed the honour of a triumph.[2]

Yet distinction without a certain degree of fitness was now, as at every other time, an impossibility in Rome. The nobility, although it did not love originality, extended a helping hand to the capacity that was willing to support its cause and showed the likelihood of dignifying its administration; a career was still open to talent and address, if they were held to be wisely directed; and the man of the period who best deserves the title of leader of the State, was one who had not even sprung from the second strata of Roman society, but had struggled with a poverty which would have condemned an ordinary man to devote such leisure as he could spare for politics to swelling the babel of the Forum and the streets. It is true that Marcus Aemilius Scaurus bore a patrician name, and was one of those potential kings who, once in the senate, might assume the royal foot-gear and continue the holy task, which they had performed from the time of Romulus, of guarding and transmitting the auspices of the Roman people. But the splendour of the name had long been dimmed. Even in the history of the great wars of the beginning of the century but one Aemilius Scaurus appears, and he holds but a subordinate command as an officer of the Roman fleet. The father of the future chief of the senate had been forced to seek a livelihood in the humble calling of a purveyor of charcoal.[3] The son, resolute, ambitious and conscious of great powers, long debated with himself the question of his future walk

[1] *Fast. triumph.*; [Victor] *de Vir. Ill.* 72.
[2] Val. Max. vii. 1. 1.
[3] [Victor] *de Vir. Ill.* 72.

in life.[1] He might remain in the ranks of the business world, supply money to customers in place of coal, and seize the golden opportunities which were being presented by the extension of the banking industry in the provincial world. Had he chosen this path, Scaurus might have been the chief of the knights and the most resolute champion of equestrian claims against the government. But his course was decided by the afterthought that the power of words was greater than that of gold, and that eloquence might secure, not only wealth, but the influence which wealth alone cannot attain. The fame which he gained in the Forum led inevitably to service in the field. He reaped distinction in the Spanish campaigns and served under Orestes in Sardinia. His narrow means rather than his principles may have been the reason why his aedileship was not marked by the generous shows to which the people were accustomed and by which their favour was usually purchased; in Scaurus's tenure of that office splendour was replaced by a rigorous performance of judicial duties;[2] but that such an equivalent could serve his purpose, that it should be even no hindrance to his career, proves the respect that his strenuous character had won from the people, and the anticipation formed by the government of the value of his future services. Now, when he was nearing his fiftieth year, he had secured the consulship, the bourne of most successful careers, but not to be the last or greatest prize of a man whose stately presence, unbending dignity, and apparent simplicity of purpose, could generally awe the people into respect, and whose keenness of vision and talent for intrigue impressed the senatorial mind with a sense of his power to save, when claims were pressing and difficulties acute.[3] His consulship, though without brilliancy, added to the respectable laurels that he had already attained. A successful raid on some Illyrian tribes[4] showed at least that he had retained the physical endurance of his youth; while his legislation on sumptuary matters and the freedman's vote

[1] [Victor] *l.c.* Ipse primo dubitavit honores peteret an argentariam faceret.

[2] [Victor] *l.c.* Aedilis juri reddendo magis quam muneri edendo studuit.

[3] Sallust (*Jug.* 15) gives the following somewhat unkind sketch of the great senatorial champion, "Aemilius Scaurus, homo nobilis, inpiger, factiosus, avidus potentiae, honoris, divitiarum, ceterum vitia sua callide occultans". "Inpiger, factiosus" are testimonies of his value to his party. The last words of the sketch are a confession that his reputation may have been blemished by suspicion, but never by proof.

[4] [Victor] *l.c.* Consul Ligures et Gantiscos domuit, atque de his triumphavit. *Cf. Fast. triumph.*

showed the spirit of a milder Cato, and the moderate conservatism, not distasteful to the Roman of pure blood, which would preserve the preponderance in political power to the citizen untainted by the stain of servitude. A stormy event of his period of office gave the crowd an opportunity of seeing the severity with which a magistrate of the older school could avenge an affront to the dignity of his office. Publius Decius, who was believed to be a conscious imitator of Fulvius Flaccus in the exaggerated vehemence of his oratory, and who had already proved by his prosecution of Opimius that he was ready to defend certain features of the Gracchan cause even when such championship was fraught with danger, was in possession of the urban praetorship at the time when Scaurus held the consulship. One day the consul passed the open court of justice when the praetor was giving judgment from the curule chair. Decius remained seated, either in feigned oblivion or in ostentatious disregard of the presence of his superior. The politic wrath of Scaurus was aroused; an enemy had been delivered into his hands, and the people might be given an object-lessson of the way in which the most vehement champion of popular rights was, even when covered with the dignity of a magistracy, but a straw in the iron grasp of the higher Imperium. The consul ordered Decius to rise, his official robe to be rent, the chair of justice to be shattered in pieces, and published a warning that no future litigant should resort to the court of the contumacious praetor.[1] The vulgar mind is impressed, when it is not angered, by such scenes of violence. A repute for sternness is the best cloak for the flexibility which, if revealed, would excite suspicion. Scaurus to the popular mind was an embodiment of stiff patrician dignity, perhaps happily devoid of that touch of insolence which is often the mark of a career assured without a struggle; of a self-complacent dignity, quietly conscious of its own deserts and demanding their due reward, of the calmness of a soul that is above suspicion and refuses to admit even in its inmost sanctuary the thought that its motives can be impugned. Meanwhile certain disrespectful onlookers were expressing wonder at his mysteriously growing wealth and marvelling as to its source. But, marvel as they might, they never drove Scaurus to the necessity of an explanation. We shall find him as an old man repelling all attacks by the irresistible appeal to his services and his career. The condemnation of Scaurus appealed to the conservative as a

[1] [Victor] *l.c.*

blow struck at the dignity of the State itself; to the man of a more open mind it was at least the shattering of a delightful illusion.

The period which witnessed the crowning of the efforts of the poor and struggling patrician was also sufficiently liberal, or sufficiently poor in aristocratic talent, to admit the initial steps in the official career of a genuine son of the people. It was now that Caius Marius was laboriously climbing the grades of curule rank, and showing in the pursuit of political influence at home the rugged determination which had already distinguished him in the field. A Volscian by descent, he belonged to Rome through the accident of birth in the old municipality of Arpinum, which since the early part of the second century had enjoyed full Roman citizenship and therefore gave its citizens the right of suffrage and of honours in the capital. Born of good yeoman stock in the village of Cereatae in the Arpinate territory,[1] he had passed a boyhood which derived no polish from the refinements, and no taint from the corruptions, of city life. In his case there was no puzzling discrepancy between the outer and the inner man. His frame and visage were the true index of a mind, somewhat unhewn and uncouth, but with a massive reserve of strength, a persistence not blindly obstinate, a patience that could wear out the most brilliant efforts of his rivals and opponents. He did not court hostility, but simply shouldered his way sturdily to the front, encouraged by Rome's better spirits, who saw in him the excellent officer with qualities that might make the future general, and appealing to the people, when they gradually became familiar with his presence, as a type of that venerable myth, the rustic statesman of the past. The poverty of his early lot was perhaps exaggerated by historians[2] who wished to point the contrast between his humble origin and his later glory, and to find a suitable cradle for his rugged nature; even the initial stages of his career afford no evidence of a struggle against pressing want, nor is there any proof that he was supported by the bounty of his powerful friends. Even if he entered the army as a common foot-soldier, he would merely have shared the lot of many a well-to-do yeoman who obeyed the call of the conscription. With Marius, however, military service was not to be an incident, but a profession. The needs of a widening empire were

[1] Plut. *Mar.* 3.

[2] In Velleius ii. 11 the manuscript reading *natus equestri loco* (corrected into *agresti*) may be correct.

calling for special capacities such as had never been demanded in the past. The career of Scaurus had shown the successful pleader surmounting the obstacle of poverty; even the higher barrier of birth might be leaped amidst the democratising influences of the camp. The nobility was not sufficiently self-centred to be wholly blind to its own interests; and it was easier to patronise a soldier than a pleader. In the latter case the aspirant's political creed must be examined; in the former the last question that would be asked was whether the officer possessed any political creed at all. It might be a question of importance for the future with respect to the candidature for those offices which alone conferred high military command, even though there was as yet no dream of the sword becoming the arbiter of political life; but the genuine commander, engaged in the difficult task of remodelling an army, had no eye but for the bearing and qualities of the soldier, and would not scruple to cast aside his patrician prejudices in a despairing effort to find the fittest instruments for the perfecting of his great design. It was Marius's fortunate lot to enter the field at a time of trial, and to serve his first campaign under a general, who was combating the adverse forces of influence, licence and incompetence in the official staff supplied by the government and represented by the young scions of the nobility. To the camp before Numantia, where Scipio was scourging his men into obedience, rooting out the amenities of life, and astonishing his officers with new ideas of the meaning of a campaign, Marius brought the very qualities on which the general had set his heart. An unflinching courage, shown on one occasion in single combat when he overthrew a champion of the foe, a power of physical endurance which could submit to all changes of temperature and food, a minute precision in the performance of the detailed duties of the camp, soon led to his rapid advancement and to his selection as a member of the intimate circle which surrounded the commander-in-chief. Every great specialist has a small claim to the gift of prophecy; for he possesses an instinct which reveals more than his reason will permit him to prove; and we need not wonder at the story that, when once the debate grew warm round Scipio's table as to who would succeed him as the chosen commander of the Roman host, he lightly touched the shoulder of Marius and answered "Perhaps we shall find him here".[1]

[1] Plut. *Mar.* 3.

The higher commands in the army could be sought only through a political career; and Marius, inspired with the highest hopes by Scipio's commendation, was forced to breathe the uncongenial atmosphere of the city and to fight his way upwards to the curule offices. There is no proof that he took advantage of the current of democratic feeling which accompanied the movements of the Gracchi. It was, perhaps, as well that he did not; for such an association might have long delayed his higher political career. The nobles who posed as democrats probably attached more importance to forensic skill than to military merit; and the support which Marius enjoyed was sought and found amongst the representatives of the opposite party. Scipio's death removed a man who might have been a powerful advocate on his behalf; the vague relationship of clientship in which the family of Marius had stood to the clan of the Herennii[1]—a relation common between Roman families and the members of Italian townships, and in this case probably dating from a time before Arpinum had received full Roman rights—seems never to have led to active interference on his behalf on the part of the representatives of that ancient Samnite house. Perhaps the Herennii were too weak to assist the fortunes of their client; they certainly give no names to the Fasti of this period. It is also possible that the proud soldier was galled by the memory of the hereditary yoke, and sought assistance where it would be given simply as a mark of merit, not as a duty conditioned by the claim to irksome reciprocal obligations. The all-powerful family of the Caecilii Metelli, who were at this time vigorously fulfilling the destiny of office which heaven had prescribed for their clan, stretched out a helping hand to the distinguished soldier;[2] a family born to military command might consult its interests, while it gratified its sympathies, by attaching to its *clientèle* a warrior who had received the best training of the school of Africanus. After he had held the military tribunate and the quaestorship,[3] Marius attained the tribunate of the Plebs with the assistance of Lucius Caecilius Metellus.[4] He was in his thirty-ninth year when he entered on the first office which gave him the opportunity of

[1] Plut. *Mar.* 5.

[2] *Ibid.* 4.

[3] His military reputation amongst old soldiers had led to his easy attainment of the military tribunate. Sall. *Jug.* 63 Ubi primum tribunatum militarem a populo petit, plerisque faciem ejus ignorantibus, facile notus per omnis tribus declaratur. Deinde ab eo magistratu alium post alium sibi peperit.

[4] Plut. *Mar.* 4.

claiming the attention of the people by the initiation of legislative measures. The slowness of his rise may have led him to believe that he might accelerate his career by taking his fortune into his own hands; certainly if the law which bore his name was not unwelcome to the better portion of the nobility, the methods by which he forced it through did not commend themselves even to his patron. His proposal was meant to limit the exercise of undue influence at the Comitia, and although the law doubtless referred to legislative meetings summoned for every purpose, it was chiefly directed to securing the independence of the voter in such public trials as still took place before the people,[1] and was perhaps inspired by scenes that might have been witnessed at the acquittal of Opimius one year previously. One of the clauses of the bill provided that the exits to the galleries, through which the voters filed to give their suffrages to the tellers, should be narrowed,[2] the object being to exclude the political agents who were accustomed to occupy the sides of the passages, and influence or intimidate, by their presence if not by their words, the voting citizen at the critical moment when he was about to record his verdict. Such methods were probably found effective even where the ballot was used, but their success must have been even greater in trials for treason, at which voting by word of mouth was still employed. It was difficult for a government, which had accepted the ballot, to offer a decent resistance to a measure of this kind. The proposal attacked indifferently political methods which might be, and probably were, employed by both parties; and, although its success would no doubt inflict more injury on the government than on the opposition, it could not be repudiated by the senate on the ground that it was tainted by an aggressively "popular" character. The opposition which it actually encountered was apparently based on the formal ground that the heads of the administration had not been sufficiently consulted. The law was not the outcome of any senatorial decree, nor had the senate's opinion been deliberately taken on the utility of the measure. The consul Cotta persuaded the house to frame a resolution expressing dissatisfaction with the proposal as it stood, and to summon Marius for an explanation. The summons was promptly

[1] Plut. *l.c.* νόμον τινα περὶ ψηφοφορίας γράφοντος αὐτοῦ δοκοῦντα τῶν δυνατῶν ἀφαιρεῖσθαι τὴν περὶ τὰς κρίσεις ἰσχύν. It is possible, however, that κρίσεις may simply mean "decisions".

[2] Cic. *de Leg.* iii. 17. 38 Pontes . . . lex Maria fecit angustos.

obeyed, but the expected scene of humiliation of the untried parvenu was rudely interrupted at an early period of the debate. Marius knew that he had the people and the tribunician college with him, and that even the most perverse ingenuity could never construe the measure as a factious opposition to the interests of the State. Obedience to the senate would in this instance mean the sacrifice of a reputation for political honesty and courage; it might be better to burn his boats and to trust for the future to the generosity of the people for the gifts which the nobility so grudgingly bestowed. He chose to regard the controversy as one of those cases of hopeless conflict between the members of the magistracy, for the solution of which the law had provided regular though exceptional means. He fell back on the majesty of the tribunician power, and threatened Cotta with imprisonment if he did not withdraw his resolution.[1] It is probable that up to this point no decree expressing wholesale condemnation of the bill had been passed, and the senate might therefore be coerced through the magistrate, without its authority being utterly disregarded. Cotta turned to his colleague Metellus, known to be the friend of the obstinate tribune, and Metellus rising gave the consul his support. Marius, undaunted by the attitude of his patron, hurried matters to a close. He summoned his attendant to the Curia, and bade him take Metellus himself into custody and conduct him to a place of confinement. Metellus appealed to the other tribunes, but none would offer his help; and the senate was forced to save the situation by sacrificing its vote of censure. So rapid and complete a victory, even on an issue of no great importance, delighted the popular mind. The senate was then in good favour at Rome; but a chance for realising their superiority over the greatest of their servants was always welcome to the people. They also loved those exhibitions of physical force by which the genius of Rome had solved the difficulties of her constitution: and the violence of a tribune was as impressive now as was that of a consul four years later.[2] Marius had gained a character for sturdy independence and unshaken constancy, which was to produce unexpected results in the political world of the future, and was to be immediately tested in a manner that must have proved profoundly disappointing to many who acclaimed him. It seems as though this victory over the resolution of the senate may have

[1] Plut. *l.c.* εἰ μὴ διαγράψειε τὸ δόγμα. [2] P. 300.

urged certain would-be reformers to believe that measures of a Gracchan type might win the favour of the people, and secure the support of a tribunician college which seemed to be out of sympathy with the government. Some proposal dealing with the distribution of corn,[1] perhaps an extension of the existing scheme, was made. It found no more resolute opponent than Marius, and his opposition helped to secure its utter defeat. In this resistance we may perhaps see the genuinely neutral character of the man; for the attribution of interested motives, although the historian's favourite revenge for the difficulties of his task, endows his characters with a foresight which is as abnormal as their lack of principle; although it is questionable whether Marius would have gained by identifying himself with a cause which had not yet emerged from the ruin of its failure.

The lack of official support and the alienation of a section of the people may perhaps be traced in the successive defeats of his candidature for the curule and plebeian aedileships,[2] although in the elections to these offices the attention of the people was so keenly directed to the candidate's pecuniary means as a guarantee of their gratification by brilliant shows, that the aedileship must have been of all magistracies the most difficult of attainment by merit unsupported by wealth. Even when the rejected candidate had won favour on other grounds, the electors could salve their consciences with the reflection that the aedileship was no obligatory step in an official career, and that, where merit and not money was in question, they could show their appreciation of personal qualities in the elections to the praetorship. A year after his repulse Marius turned to the candidature for this office, which conveyed the first opportunity of the tenure of an independent military command. He was returned at the bottom of the poll, and even then had to fight hard to retain his place in the praetorian college.[3] A charge of undue influence was brought against the man who had struggled successfully to preserve the purity of the Comitia, and it was pretended that a slave of one of his closest political associates had been seen within the barriers mixing with the voters. That the charge was supported by powerful influences, or was generally believed to be correct, is perhaps shown by the conduct of the censors of the suc-

[1] Plut. *l.c.* νόμου . . . εἰσφερομένου περὶ σίτου διανομῆς. See p. 284.
[2] Plut. *Mar.* 5. *Cf.* Cic. *pro Planc.* 21. 51; Val. Max. vi. 9. 14.
[3] Val. Max. vi. 9. 14.

ceeding year who expelled this associate from the senate.[1] The jurors[2] before whom the case was tried—representatives, as we must suppose, of the equestrian order and therefore presumably uninfluenced by senatorial hostility—were long perplexed by the conflict of evidence. During the first days of the trial it seemed as though the doom of Marius was sealed, and his unexpected acquittal was only secured by the scrutiny of the tablets revealing an equality of votes, a condition which, according to the rules of Roman process, necessitated a favourable verdict.

His praetorship, in accordance with the rules which now governed this magistracy in consequence of the multiplication of the courts of justice, confined his energies to Rome. We do not know what department of this office he administered; but, as the charge of no department could make an epoch in the career of any one but a lawyer gifted with original ideas, we are not surprised to find that Marius's tenure of this magistracy, although creditable, did not excite any marked attention.[3] After his praetorship he obtained his first independent military command in Farther Spain. Such a province had always its little problems of pacification to present to an energetic commander, and Marius's military talents were moderately exercised by the repression of the habitual brigandage of its inhabitants.[4] His tenure of a foreign command may have added to his wealth, for provincial government could be made to increase the means of the most honest administrator. It was still more important that his tenure of the praetorship had added him to the ranks of the official nobility. His birth was now no bar to any social distinction to which his simple and resolute soul might think it profitable to aspire: and a family of the patrician Julii was not ashamed to give one of its daughters to the adventurer from Arpinum.[5] Thus Marius remained for a while; to Roman society an interesting specimen of the self-made man, marked by a bluntness and directness appropriate to the type and provocative of an amused regard; to the professed politician a man with a fairly successful but puzzling political career, and one that perhaps needed not to be too seriously considered. For to all who understood the

[1] Plut. *Mar.* 5.

[2] δικασταί (Plut. *l.c.*). It seems, therefore, that a special *quaestio de ambitu* existed at this time. Otherwise, the case would naturally have gone before the Comitia. We can hardly think of a Special Commission.

[3] Plut. *Mar.* 6 ἐν μὲν οὖν τῇ στρατηγίᾳ μετρίως ἐπαινούμενον ἑαυτὸν παρέσχε.

[4] Plut. *l.c.* [5] Plut. *l.c.*

existent conditions of Roman public life, his attainment of the consulship and of a dominant position in the councils of the State must have seemed impossible. There was but one contingency that could make Marius a necessary man. This was war on a grand scale. But the contingency was distant, and, even if it arose, the government might employ his skill while keeping him in a subordinate position.

The career of Marius is not the only proof that the tradition of successful opposition to the senate could be easily revived. In the year following his tribunate a new and successful effort was made in the direction of transmarine colonisation.[1] The pretext for the measure was the necessity for preserving command of the territory which had been won by the great victories of Domitius and Fabius on the farther side of the Alps; the strategic value of the foundation was undeniable, and the opposition of the government was probably directed by the form which it was proposed that the new settlement should take. It was not to be a mere fort in the enemy's country, like the already-established Aquae Sextiae,[2] but a true *colonia* of Roman citizens,[3] the creation of which was certain to lead to excessive complications in the foreign policy which dealt with the frontiers of the north. Such a colony would become the centre of an active trade with the surrounding tribes; though professedly founded in the people's interest, it would rapidly become a mere feeler for extending the operations of the great mercantile class; the growth of Roman trade-interests would necessarily involve a policy of defence and probably of expansion, which would tell heavily on the resources of the State. The success of the government was dependent on the restriction of its efforts, and there is nothing surprising in the hearty opposition which it offered to the projected colony of Narbo Martius. Even after the original measure sanctioning the settlement had passed the Comitia, senatorial influence led to the promulgation of a new proposal in which the people was asked to reconsider its decision.[4] But the project

[1] Vellei. ii. 7 Porcio Marcioque consulibus deducta colonia Narbo Martius. *Cf.* i. 15.

[2] This was but a φρουρὰ Ῥωμαίων (Strabo iv. 1. 5). It had been established in 122 B.C.

[3] Cic. *pro Font.* 5. 13 Narbo Martius, colonia nostrorum civium, specula populi Romani ac propugnaculum istis ipsis nationibus oppositum et objectum.

[4] This fact appears from Cic. *pro Cluent.* 51. 140 (Crassus) in dissuasione rogationis ejus quae contra coloniam Narbonensem ferebatur, quantum potest, de auctoritate senatus detrahit. A *rogatio* against a project implies something more than opposition to a bill.

had found an ardent champion in the young Lucius Crassus, who strengthened the position which he had won in the previous year, by a speech weighty beyond the promise of his age.[1] In his successful advocacy of a national undertaking he was not afraid to impugn the authority of the senate, and reaped an immediate reward in being selected, despite his youth, as one of the commissioners for establishing the settlement.[2]

It is probable that without the support of the equestrian order the project for the foundation of Narbo Martius might have fallen through. The man of popular sympathies whose measures attracted their support was tolerably certain of success, and the man who posed as the champion of the order was still more firmly placed. The latter position was occupied for a considerable time by Caius Servilius Glaucia, whose tribunate probably belongs to the close of the period which we are describing.[3] Glaucia himself, probably one of those scions of the nobility whom an original bent of mind had alienated from the narrow interests of his order, was a man who, lacking in the gift of passionate but steadfast seriousness which makes the great reformer, possessed powers admirably adapted for holding the popular ear and inspiring his auditors with a kind of robust confidence in himself. Ready, acute and witty,[4] he possessed the happy faculty of taking the Comitia, under the guise of the plain and honest man, into his confidence. The very ignorance of his auditors became a respectable attribute, when it was figured as ingenuous simplicity which needed protection against the tortuous wiles of the legislator and the official draughtsman. On one occasion he told his audience that the essence of a law was its preamble. If, when read to them, it was found to contain the words "dictator, consul, praetor or magister equitum," the bill was no concern of theirs. But, if they caught the utterance "and whosoever after

[1] Cic. *Brut.* 43. 160 Exstat in eam legem senior ut ita dicam quam illa aetas ferebat oratio.

[2] Cic. *Brut. l.c. Cf. pro Cluent.* 51. 140 (quoted p. 308, note 4); *de Orat.* ii. 55. 223; Quinctil. *Inst. Or.* vi. 3. 44.

[3] The date is unknown, but the *lex Servilia repetundarum* was probably a product of this tribunate. An approximate date can be assigned to this law, if we believe that it immediately superseded the *lex Acilia* as the law of extortion, and that the *lex Acilia* is the *lex repetundarum* which has come down to us on a bronze tablet (see p. 214); for the latter law must have been abrogated by 111 B.C., since the back of the tablet on which it is inscribed is used for the *lex agraria* of this year (see p. 289). The side containing the *lex Acilia* must have been turned to the wall, and this fact seems to prove the supersession of this law by a later one on the same subject. See Mommsen jn C. I. L. i. p. 56.

[4] Peracutus et callidus cum primisque ridiculus (Cic. *Brut.* 62. 224).

this enactment," then they must wake up, for some new fetter of law was being forged to bind their limbs.[1] A man of this unconventional type was not likely to be popular in the senate, and the opprobrious name, which he subsequently bore in the Curia,[2] is a proof of the liveliness which he imparted to debate.

At the time of Glaucia's tribunate some subtle movement seems to have been on foot for undoing the judiciary law of Caius Gracchus and ousting the knights from their possession of the court before which senators most frequently appeared. The law which dealt with the crime of extortion by Roman officials had been frequently renewed, and, whenever a proposal was made for recasting the enactment with a view to effecting improvements in procedure, the equestrian tenure of the court was threatened; for a new law might state qualifications for the jurors differing from those which had given this department of jurisdiction to the knights. The relief of the order was therefore great when the necessary work of revision was undertaken by one who showed himself an ardent champion of equestrian claims.[3] Glaucia's alteration in procedure was thorough and permanent. He introduced the system of the "second hearing"—an obligatory renewal of the trial, which rendered it possible for counsel to discuss evidence which had been already given, and for jurors to get a grasp of the mass of scattered data which had been presented to their notice—[4] and he also made it possible to recover damages, not only from the chief malefactor, but from all who had dishonestly shared his spoils.[5] These principles continued to be observed in trials for extortion to the close of the Republic, and may have been the only permanent relic of Glaucia's feverish political career. But for the moment the clauses of his law which dealt with the qualifications of the jurors, were those most anxiously awaited and most heartily acclaimed. He had stemmed a reaction and consolidated, beyond hope of alteration for a long term of years, the system of dual control established by Caius Gracchus.

The careers and successes of Marius, Crassus and Glaucia ex-

[1] Cic. *pro Rab. Post.* 6. 14.

[2] Stercus Curiae (Cic. *de Orat.* iii. 41. 164).

[3] Cic. *Brut.* 62. 224 Is . . . equestrem ordinem beneficio legis devinxerat. *Cf. pro Scauro* 1. 2. But the law of Glaucia was a *lex repetundarum* (Ascon. *in Scaurian.* p. 21; Val. Max. viii. 1. 8; *cf.* notes 4 and 5), not a *lex judiciaria.*

[4] Cic. *in Verr.* i. 9. 26.

[5] Cic. *pro Rab. Post.* 4. 8. The granting of the *civitas* to Latins, as a reward for successful prosecution (Cic. *pro Balbo* 24. 54), was not an innovation due to Glaucia. It appears already in the *lex Acilia.*

hibit the spirit of unrest which broke at intervals through the apathetic tolerance displayed by the people towards the rule of the nobility. These alternations of confidence and distrust find their counterpart in the religious history of the times; but a panic springing from a belief in the anger of the gods was even more difficult to control than the alarm excited by the attitude of the government. Such a panic knew no distinctions of station, sex or age; it seized on citizens who cared nothing for the problems of administration, it was strong in proportion to the weakness of its victims, and gathered from the dark thoughts and wild words of the imbecile the poison which infected the sober mind and assumed, from the very universality of the sickness, the guise of a healthy effort at rooting out some deep-seated pollution from the State. The gloomy record of the religious persecutions of the past made it still more difficult for a government, which prided itself on the retention of the ancient control of morals, which gloried in its monopoly of an historic priesthood that had often set its hand to the work of extirpation, to stifle such a cry. The demand for atonement was the voice of the conserver of Rome's moral life, of the patriotic devotee who was striving earnestly to reclaim the waning favour of her tutelary gods. If it was further believed that the seat of the corruption was to be found amidst the families of the nobility itself, the last barrier to resistance had been broken down, for even to seem to shield the unholy thing was to make its lurking place an object of horror and execration.

The nerves of the people were first excited by various prodigies that had appeared; a confirmation of their fears might have been found in the utter destruction of the army of Porcius Cato in Thrace;[1] and a strange calamity soon gave an index to the nature of the offence which excited the anger of the gods. When Helvius, a Roman knight, was journeying with his wife and daughter from Rome to Apulia, they were enveloped in a sudden storm. The alarm of the girl urged the father to seek shelter with all speed. The horses were loosed from the vehicle, the maiden was placed on one, and the party was hastening along the road, when suddenly there was a blinding flash and, when it had passed, the young Helvia and her horse were seen prone upon the ground. The force of the lightning had stripped every garment and ornament from her

[1] Liv. *Ep.* lxiii.; Florus i. 39 (iii. 4); Eutrop. iv. 24.

body, and the dead steed lay a few paces off with its trappings riven and scattered around it.[1] Death by a thunderbolt had always a meaning, which was sometimes hard to find; but here the gods had not left the inquiring votary utterly in doubt. The nakedness of the stricken maiden was a riddle that the priests could read. It was a manifest sign that a virginal vow had been broken, and that some of the keepers of the eternal fire were tainted with the sin of unchastity. The destruction of the horse seemed to portend that a knight would be found to be a partner in the crime.[2] Evidence was invited and was soon forthcoming. The slave of a certain Barrus came forward and deposed to the corruption of three of the vestal virgins, Aemilia, Licinia and Marcia.[3] He pretended that the incestuous intercourse had been of long standing, and he named his own master amongst many other men whom he declared to be the authors of the sacrilege. The maidens were believed to have added to their lovers to screen their first offence; the sacrifice of their honour became the price of silence; and their first corrupters were forced to be dumb when jealousy was mastered by fear. The knowledge of the crime is believed to have been widely spread amongst the circles of the better class, until the conspiracy of silence was broken down by the action of a slave,[4] and all who would not be deemed accomplices were forced to add their share to the weight of the accusing testimony.

A scandal of this magnitude called for a formal trial by the supreme religious tribunal, and towards the close of the year[5] Lucius Metellus, the chief pontiff, summoned the incriminated vestals before the college. Aemilia was condemned, but Licinia and Marcia were acquitted. There was an immediate outcry; the pontiff's leniency was severely censured; and the anger and fear of the people emboldened a tribune, Sextus Peducaeus, to propose for the first time that the secular arm should wrest from the pontifical college the spiritual jurisdiction that it had abused. He carried a resolution that a special commission should be established by the people to continue the investigation.[6] The judges were probably Roman knights after the model of the Gracchan jurors; the pre-

[1] Oros. v. 15. [2] Plut. *Quaest. Rom.* 83.

[3] Plut. *Quaest. Rom.* 83. The manuscript reading is *βαρβάρου τινὸς ἱππικοῦ θεράπων*. I have adopted Ihne's suggestion of Βάρρου, which he supports by a reference to Porphyrio *ad Hor. Sat.* i. 6. 30—Hic Barrus vilisimmae libidinosaeque admodum vitae fuit, adeo ut Aemiliam virginem Vestae incestasse dictus sit.

[4] Dio Cass. *fr.* 92. [5] Macrob. *Sat.* i. 10. 5.

[6] Ascon. *in Milonian.* p. 46. *Cf.* Cic. *de Nat. Deor.* iii. 30. 74.

sident was the terrible Lucius Cassius Longinus, already known for his severity as a censor and famed for his penetration as a criminal judge. This fatal penetration, which had endowed his tribunal with the nickname "the reef of the accused,"[1] was now welcomed as a surety that the inquiry would be searching, and that the innocence which survived it would be so well established that all doubt and fear would be dissolved. This commission condemned, not only the two vestals whom the pontiffs had acquitted, but many of their female intermediaries as well.[2] Some of their supposed paramours must also have been convicted; amongst the accused was Marcus Antonius, who was in future days to share the realm of oratory with Lucius Crassus. He was on the eve of his departure to Asia, where he was to exercise the duties of a quaestor, when he was summoned to appear before the court over which Cassius presided. He might have pleaded the benefit of his obligation to continue his official duties;[3] but he preferred to waive his claim and face his judges. His escape was believed to have been mainly due to the heroic conduct of a young slave, who, presented of his own free will to the torture, bore the anguish of the rack, the scourge and the fire without uttering a word that might incriminate his master.[4] The free employment of such methods in trials for incest throws a grave doubt on the value of the judgment which they elicited; and, when a court is established for the purpose of appeasing the popular conscience, a part at least of its conduct may be easily suspected of being preordained. Cassius's rigour in this matter was thought excessive;[5] but, even had he and the jurors meted out nothing but the strictest justice, the memory of their sentence would long have rankled in the minds of the influential families whose members they had condemned, and thus perpetuated the tradition of their unnecessary severity. It may be doubted, however, whether a secular court was competent to inflict the horrible penalties of pontifical jurisdiction, to condemn the vestal to a living grave and her paramour to death by the scourge;[6] interdiction, and perhaps in the more serious cases the death by strangling usually reserved for traitors, may have been meted out to the men, while the women may have been

[1] Scopulus reorum (Val. Max. iii. 7. 9). [2] Ascon. *l.c.*

[3] Val. Max. *l.c.* Cum id vitare beneficio legis Memmiae liceret, quae eorum, qui rei publicae causa abessent, recipi nomina vetabat.

[4] Val. Max. vi. 8. 1.

[5] Ascon. *l.c.* Nimia etiam, ut existimatio est, asperitate usus.

[6] Zumpt *Criminalrecht* i. p. 117.

handed over to their relatives for execution. But even this exemplary visitation of the vices which lurked in the heart of the State was not deemed sufficient to appease the gods or to quiet the popular conscience. To punish the guilty was to offer the barest satisfaction to heaven and to conscience; a fuller atonement was demanded, and the Sibylline oracles, when consulted on the point, were understood to ordain the cultivation of certain strange divinities by the living sacrifice of four strangers, two of Hellenic and two of Gallic race.[1] The accomplishment of this act must have been a severe strain on the reason and conscience of a government which sixteen years later absolutely prohibited the performance of human sacrifice[2] and soon made efforts to stamp out the barbarous ritual even in its foreign dependencies.[3] Even this concession to the panic of the times could not be regarded as fraught with much worldly success. The gods seemed still to retain an unkind feeling both to the city and the government. Two years later there was a return of dreadful prodigies, and a great part of Rome was laid waste by a terrible fire. A few months more and news was brought from Africa which shook to its very foundations the fabric of senatorial rule.[4]

[1] Plut. *Quaest. Rom.* 83 *δύο μὲν ἄνδρας δύο δὲ γυναῖκας ἐν τῇ βοῶν ἀγορᾷ λεγομένῃ τοὺς μὲν Ἕλληνας, τοὺς δὲ Γαλάτας, ζῶντας κατώρυξαν.*

[2] Plin. *H. N.* xxx. 1. 12 DCLVII demum anno urbis Cn. Cornelio Lentulo P. Licinio Crasso consulibus (97 B.C.) senatus consultum factum est ne homo immolaretur.

[3] Plut. *l.c.*

[4] Obsequens 99 (37) (111 B.C.) Maxima pars urbis exusta cum aede Matris Magnae; lacte per triduum pluit, hostiisque expiatum majoribus. Jugurthinum bellum exortum. The war had been determined on the year before.

CHAPTER VI

THE land, on which the eyes of the world were soon to be fastened, was the neglected protectorate which had been built up to secure the temporary purpose of the overthrow of Carthage, and had since remained in the undisturbed possession of the peaceful descendants of Masinissa. The fortunes of the kingdom of Numidia, so far as they affected that kingdom itself, deserved to be neglected by its suzerain ; for the power which Masinissa had won by arms and diplomacy was more than sufficient to protect its own interests. The Numidia of the day formed in territorial extent one of the mightiest kingdoms of the world, and ranked only second to Egypt amongst the client powers of Rome.[1] It extended from Mauretania to Cyrenaica,[2] from the river Muluccha to the greater Syrtis, thus touching on the west the Empire of the Moors, at that time confined to Tingitana, on the east almost penetrating to Egypt, and enjoying the best part of the fertile region which borders the coast of the Mediterranean.[3] From this vast tract of country Rome had cut out for herself a small section on the north-east. In the creation of the province of Africa her moderation and forbearance must have astonished her Numidian client; and, if Masinissa showed signs of hesitancy in rousing himself for the destruction of Carthage, the fears of his sons must have been immediately dispelled when they saw the slender profits which Rome meant to reap from the suppression of their joint rival. The Numidian kings were even allowed to keep the territory which had been wrested from Carthage between the Second and Third Punic Wars. This comprised the region about the Tusca, which boasted not less than

[1] Boissière *Esquisse d'une histoire de la conquête et de l'administration Romaines dans le Nord de l'Afrique* p. 41.

[2] App. *Lib.* 106 ἀπὸ Μαυρουσίων τῶν παρ' ὠκεανῷ μέχρι τῆς Κυρηναίων ἀρχῆς ἐς τὰ μεσόγεια.

[3] Boissière *l.c.* For the Moroccan boundary of the kingdom—the river Muluccha or Molocath—see Göbel *Die Westküste Afrikas im Altertum* pp. 79, 80.

fifty towns, the district known as the Great Plains,[1] which has been identified with the great basin of the Dakhla of the Oulad-bon-Salem, and probably the plateau of Vaga (Bêdja) which dominates this basin.[2] The Roman lines merely extended from the Tusca (the Wäd El-Kebir) in the North, where that river flows into the Mediterranean opposite the island of Thabraca (Tabarka) to Thenae (Henschir Tina) on the south-east.[3] But even the upper waters of the Tusca belonged to Numidia, as did the towns of Vaga, Sicca Veneria and Zama Regia. Consequently the Roman frontier must have curved eastward until it reached the point where a rocky region separates the basin of the Bagradas (Medjerda) from the plains of the Sahel; thence it ran to the neighbourhood of Aquae Regiae and thence, probably following the line of a ditch drawn between the two great depressions of Kairouan and El-Gharra, to its ultimate bourne at Thenae.[4] It is clear that the Romans did not look on their province as an end desirable in itself. They had left in the hands of their Numidian friends some of the most fertile lands, some of the richest commercial towns, situated in a district which they might easily have claimed. Against such annexation Masinissa could have uttered no word of legitimate protest. His kingdom had already been almost doubled by the acquisition of the lands of his rival Syphax, and his sons saw themselves through the aid of Rome in possession of an artificially created kingdom, which was so entirely out of harmony with the traditions of Numidian life that it could scarcely have entered into the dreams of any prince of that race. But the conquering city reposed some faith in gratitude, and reposed still more in its habitual policy of caution. The province which it created was simply a political and strategic necessity. It was intended to secure the negative object of preventing the reconstitution of the great political and commercial centre which had fallen.[5] If Carthage was never to rise again, a fragment of the coast-line must be kept in the hands of the possessors of its devastated site. It might have been better for the peace of Africa had the Romans been a little more grasping and had the Roman position been stronger than it was. The Phoenicians scattered along the coast had become familar objects to the Berber inhabitants and their

[1] τῶν λεγομένων Μεγάλων Πεδίων (App. *Lib.* 68).
[2] Tissot *Géographie comparée de la province Romaine d'Afrique* ii. p. 5.
[3] Plin. *H. N.* v. 3. 22; v. 4. 25; Ptol. iv. 3. 7.
[4] Tissot *op. cit.* ii. pp. 1-20.
[5] *Ibid.* ii. p. 20.

kings; to the enlightened monarch they were a valuable addition to the population of any of his cities—all the more valuable now that they were politically powerless. But with the Roman official and the Roman trader it was different. Here was an alien and (in spite of the restraint of the government) an encroaching civilisation, utterly unfamiliar to the eyes of the natives, but known to justify its lordly security by that dim background of power which clung to the name of the paramount city of the West. The Roman possessions were an ugly eyesore to a man who held that Africa should be for the Africans. The wise Masinissa might tolerate the spectacle, content (as, indeed, he should have been) with the power and security which Rome's friendship had brought to her ally. But it remained to be seen whether his views would always be held by his own subjects or by some less cautious or less happily placed successor of his own line.

It was indeed possible that a hostile feeling of nationality might be awakened beyond the limits even of the great kingdom of Numidia. The designations which the Romans employ for the natives of North Africa obscure the fact, which was recognised in later times by the Arab conquerors, of the unity of the great Berber folk.[1] Roman historians and geographers speak of the Numidians and Mauretanians as though they were distinct peoples; but there can be little doubt that, then as to-day, they were but two fractions of the same great race, and that even the wild Gaetulians of the South are but representatives of the parent stock of this indigenous people. As in the case of nearly all races which in default of historical data we are forced to call indigenous, two separate elements may be distinguished in this stock, an earlier and a later, and survivals of the original distinctions between these elements were clearly discernible in many parts of Northern Africa; but, as the fusion between these stocks had been effected in prehistoric times, a common Berber nationality may be held to have extended from the Atlantic almost to Egypt, at the time when the Romans were added to the immigrant Semites and Greeks who had already sought to dwell amidst its borders. The basis of this nationality is thought to be found in the aborigines of the Sahara who had gradually moved up from the desert to the present littoral. There they

[1] Mercier *La population indigène de l'Afrique* pp. 129, 130; Boissière *op. cit.* p. 39.

were joined by a race of another type who were wending their way from what is now the continent of Europe. The Saharic man was of a dark-brown colour but with no traces of the negroid type. His European comrade was a man of fair complexion and light hair; and these curiously blended races continued to live side by side and to form a single nation, preserving perhaps each some of its own psychical characteristics, but speaking in common the language of the older Saharic stock.[1] But the two races were not uniformly distributed over the various territories of Northern Africa. The white race was perhaps more in evidence in Mauretania, as it is in the Morocco of to-day;[2] the dark race was probably most strongly represented amongst the Gaetulians of the South. There were, in short, in Northern Africa two zones, marked by differences of civilisation as well as of ethnic descent, which were clearly distinguished in antiquity. The first is represented by the Afri, Numidians, and Moors, who inhabited the coast region from East to West. These were early subjected to alien influences, the greatest of which, before the coming of the Roman, was the advent of the Semite. The second is shown by the vast aggregate of tribes which form a curve along the south from the ocean to the Cyrenaica. These tribes, which were called by the common name of Gaetuli, were almost exempt from European influences in historic, and probably in prehistoric, times. A few intermingled with the Aethiopians of the Sahara,[3] but, taken as a whole, they are believed to represent the primitive race of brown Saharic dwellers in all its purity.

Had the term Nomad or Numidian been applied to the southern races, the designation might have been justified by the migratory character of their life. But it is more than questionable whether the designation is defensible as applied to the people to whom it is usually attached. The Numidians do not seem to have possessed either the character or habits of a genuinely nomadic people such as the Arabs.[4] They lived in huts and not in tents. These huts (*mapalia*), which had the form of an upturned boat, may have seemed a poor habitation to Phoenicians, Greeks and Romans;

[1] Tissot *op. cit.* i. pp. 400 foll. For the extension of the native Libyan language *cf.* Boissière, *L'Afrique Romaine* p. 6.

[2] Tissot *op. cit.* pp. 403, 404.

[3] Hence the Μελανογαιτοῦλοι and the Λευκαιθίοπες of Ptolemy (iv. 6. 5 and 6.) See Tissot *op. cit.* p. 447.

[4] Mercier *op cit.* p. 136.

but, as habitations, they were meant to be permanent; they were an index of the possession of property, of a lasting attachment to the soil. The village formed by a group of these little homes clustering round a steep height, was a still further index of a political and military society that intended to maintain and defend the area on which it had settled. The pages of Sallust give ample evidence of an active village life engrossed with the toils of agriculture, and the mass of the population of the region of the Tell must have been for a long time fixed to the soil which yielded it a livelihood. Elsewhere there was indeed need of something like periodic migration. On the high plateaux pastoral life made the usual change from summer to winter stations necessary. But this regulated movement does not correspond strictly to the desultory life of a truly nomadic people. Yet it is easy to see how, in contrast to the regular and often sedentary mercantile life of the Phoenician and the Greek, that of the Numidian might be considered wild and migratory. He was in truth a "trekker" rather than a nomad, and he possessed the invaluable military attributes of the man unchained by cities and accustomed to wander far in a hard and bracing country. A skill in horsemanship that was the wonder of the world, the eye for a country hastily traversed, the memory for the spot once seen, the power of rapid mobilisation and of equally rapid disappearance, the gift of being a knight one day, a shepherd or a peasant the next—these were the attributes that made a Roman conquest of Numidia so long impossible and rendered diplomacy imperative as a supplement to war.

It is less easy to reconstruct the moral and political attributes of this people from the data which we at present possess, or to reconcile the experience of to-day with the impressions of ancient historians. But so permanent has been the great bulk of the population of Northern Africa that it is tempting to interpret the ancient Numidian in the light of the modern Kabyle. One who has had experience of the latter endows him with an intelligent head, a frank and open physiognomy and a lively eye, describes him as active and enterprising, lively and excitable, possessed of moral pride, eminently truthful, a stern holder of his plighted word and a respecter of women—a respect shown by the general practice of monogamy.[2] Even when stirred to war he is said not to lend him-

[1] Mercier *l.c.*

[2] Tissot *op. cit.* i. pp. 414-17.

self to unnecessary cruelty.[1] The activity, liveliness and excitability of this people may be traced in the accounts of antiquity; but Roman records would add the impression of duplicity, treachery and cruelty as characteristics of the race. Yet as these characteristics are exhibited in the record of a great national war against a hated invader, and are chiefly illustrated in the persons of a king or his ministers—individuals spoilt by power or maddened by fear—we need not perhaps attach too much importance to the discrepancy between the evidence of the ancient and modern world.

Much of the history of Numidia, especially during the epoch of the war of the Romans against Jugurtha, would be illuminated if we could interpret the political tendencies of its ancient inhabitants by those of the Kabyle of modern times. The latter is said to be a sturdy democrat, founding his society on the ideas of equality and individuality. Each member of this society enjoys the same rights and is bound down to the same duties. There is no military or religious nobility, there are no hereditary chiefs. The affairs of the society, about which all can speak or vote, are administered by simple delegates.[2] There is nothing in the history of the war with Jugurtha to belie these characteristics, there is much which confirms them. In the narrative of that war there is no mention of a nobility. The influential men described are simply those who have been elevated by wealth or familiarity with the king. The monarchy itself is a great power where the king is present, but the life of the community is not broken when the king is a fugitive; and loyalty to the crown centres round a great personality, who is expected to drive the hated invaders into the sea, not merely round the name of a legitimate dynasty.

Monarchy, in fact, seems a kind of artificial product in Numidia; but, artificial as it may have been, it had done good work. An active reign of more than fifty years by a man who united the absolutism of the savage potentate with the wisdom and experience of the civilised ruler, had produced effects in Numidia that could never die. Masinissa had proved what Numidian agricul-

[1] Boissière (*op. cit.* p. 101) cites an interesting description of the Kabyle from *Le capitaine Rinn.* In it occur the following words:—La guerre pour lui (le Kabyle) est une affaire de devoir, de nécessité, de point d'honneur ou de vengeance; ce n'est jamais ni un plaisir, ni une distraction, ni même un état normal; il ne la fait qu'après prévenu son ennemi, et, dans le combat ou après la victoire, il n'a pas de cruauté inutile.

[2] Tissot *op. cit.* i. pp. 417-18.

ture might become under the guidance of scientific rules by the creation of model farms, whose fertile acres showed that cultivated plants of every kind could be grown on native soil;[1] while under his rule and that of his son Micipsa the life of the city showed the same progress as that of the country. Numidia could not become one of the granaries of the world without its capital rising to the rank of a great commercial city. Cirta, though situated some forty-eight Roman miles from the sea,[2] was soon sought by the Greeks, those ubiquitous bankers of the Mediterranean world,[3] while Roman and Italian capitalists eagerly plied their business in this new and attractive sphere which had been presented to their efforts by the conquests of Rome and the civilising energy of its native rulers.

The kingdom of Numidia suffered from a weakness common to monarchies where the strong spirits of subjects and local chiefs can be controlled only by the still stronger hand of the central potentate, and where the practice of polygamy and concubinage in the royal house sometimes gave rise to many pretenders but to no heir with an indefeasible claim to rule. There was no settled principle of succession to the throne, and the death of the sovereign for the time being threatened the peace or unity of the kingdom, while it entailed grave responsibilities upon its nominal protector. Masinissa himself had been excluded from the throne by an uncle,[4] and but for his vigour and energy might have remained the subject of succeeding pretenders.

A crisis was threatened at his own decease but was happily averted by the prudence of the dying monarch. Loath as he probably was to acknowledge the supremacy of Rome, he thrust on her the invidious task of deciding the succession to the throne. He felt that Roman authority would be more effective than paternal wishes; perhaps he saw that amongst his sons there was not one who could be trusted alone and unaided to continue to build up the fortunes of the state and to claim recognition from his brothers as their undisputed lord, while the show of submission to Rome might weaken the vigilance and disarm the jealousy of the protecting

[1] Polyb. xxxvii. 3; Diod. xxxii. 17.

[2] Plin. *H. N.* v. 3 22.

[3] Strabo xvii. 3. 13.

[4] Livy says (xxix. 29) that this was the admitted order of succession (ita mos apud Numidas est). The brother of a late king was probably considered to be the most capable successor. An immature son would be passed over. *Cf.* Biereye *Res Numidarum et Maurorum* p. 18.

power. Scipio was summoned to his deathbed to apportion the kingdom between the legitimate sons who survived him, Micipsa, Gulussa and Mastanabal.[1] To Micipsa was given the capital Cirta, the royal palace and the general administration of the kingdom, the warlike Gulussa was made commander-in-chief, while to Mastanabal the youngest was assigned the task of directing the judicial affairs of the dominion.[2] This division of authority was soon disturbed by the death of the two younger brothers, and Micipsa was left alone to indulge his peaceful inclinations during a long and uneventful reign of nearly thirty years. The fall of Carthage had left him free from all irritating external relations; for the King of Numidia was no longer required to act the part of a constant spy on the actions, and an occasional trespasser on the territory, of the greatest of African powers. The nearest scene of disturbance was the opposite continent of Spain, and here he did Rome good service by sending her assistance against Viriathus and the Numantines.[3] Unvexed by troubles within his borders, Micipsa devoted his life to the arts of peace. He beautified Cirta and attracted Greek settlers to the town, amongst them men of arts and learning, who delighted the king with their literary and philosophic discourse.[4] The period of rest fostered the resources of the kingdom, and in spite of a devastating pestilence which is said to have swept off eight hundred thousand of the king's subjects,[5] the state could boast at his death of a regular army of ten thousand cavalry and twenty thousand foot.[6] This was but the nucleus of the host that might be raised in the interior, and swelled by the border tribes of Numidia; and the man who could win the confidence of the soldiers and the attachment of the peasantry held the fortune of Numidia in his hands. This reflection may have cast a shadow over the latter years of Micipsa. Certainly the prospect of the succession was as dark to him as it had been to his father, Masinissa. Like his predecessor he believed that a dynasty was stronger than an individual, and he deliberately imitated the work of Scipio by leaving a collegiate rule to his successors. One of these successors, however, was not his own offspring. His brother Mastanabal had left behind him an illegitimate son named Jugurtha. The boy had been neglected during the lifetime of his grandfather,

[1] Liv. *Ep.* l.; Val. Max. v. 2, ext. 4; Oros. iv. 22.
[2] App. *Lib.* 106. [3] App. *Hisp.* 67; Sall. *Jug.* 7.
[4] Strabo. xvii. 3. 13; Diod. xxxiv. 35.
[5] Oros. v. 11. [6] Strabo *l.c.*

Masinissa; perhaps the hope that Mastanabal might yet beget a representative worthy of the succession caused little importance to be attached to the concubine's son, in spite of the fact that it was the policy of the Numidian monarchs to keep as many heirs in reserve as it was possible for them to procure. But when Gauda, the only legitimate son of Mastanabal, proved to be weak in body and deficient in mind,[1] greater regard was paid to the vigorous boy who was now the sole efficient representative of one branch of the late dynasty. Even without this motive the kindly nature of Micipsa would probably have led him to look with favour on the orphan child of his brother; the young Jugurtha was reared in the palace and educated with the heirs presumptive, Adherbal and Hiempsal, the two sons of the reigning king. It soon became manifest that a very lion had been begotten and was growing to strength in the precincts of the royal court. All the graces of the love-born offspring seem to have been present at Jugurtha's birth. A mighty frame, a handsome face, were amongst his lesser gifts. More remarkable were the vigour and acuteness of his mind, the moral strength which yielded to no temptation of ease or indolence, the keen zest for life which led him to throw himself into the hardy sports of his youthful compeers, to run, to ride, to hurl the javelin with a skill known only to the nomad, the *bonhomie* and bright good temper which endeared him to the comrades whom his skill had vanquished. Much of his leisure was passed in tracking the wild beasts of the desert; his skill as a hunter was matchless, or was equalled only by his easy indifference to his success.[2]

The sight of these qualities gladdened Micipsa's heart; for the military leader, so essential to the safety of the Numidian monarchy, seemed to be now assured. We are told that a shade of anxiety crossed his mind when he compared the youth of his own sons with the glorious manhood of Jugurtha, and thought of the temptations which the prospect of an undivided monarchy might present to a mind gradually weaned from loyalty by the very sense of its own

[1] Sall. *Jug.* 65. 1 Morbis confectus et ob eam causam mente paulum inminuta. We are not told that he was in this condition before Micipsa's death; but it is perhaps the reason why the king left him only "heir in remainder" (secundum heredem) to the crown. Another aspirant appears later on in the person of Massiva son of Gulussa (Sall. *Jug.* 35. 1), but this prince may not have been born, or may have been an infant, at the time when Jugurtha was recognised as a possible successor. It is possible that Massiva may have been mentioned as one of the supplementary heirs in Micipsa's will, although Sallust does not inform us of the fact.

[2] Sall. *Jug.* 6. 1.

greatness;[1] but there is no reason to believe that the good old king allowed his imagination to embrace visions of the dagger or the poisoned bowl, and that the mysterious death of his nephew was only hindered by the thought of the resentment which it would arouse amongst the Numidian chiefs and their dependents. Certainly the mission with which Jugurtha was soon credited—the mission which was perhaps to alter the whole tone of his mind and to concentrate its energies on an unlawful end—was one which any Numidian king might have destined for the most favoured of his sons. Jugurtha was to be sent to Numantia to lead the Numidian auxiliaries of horse and foot, to be a member of the charmed circle that surrounded Scipio, to see, as he moved amongst the young nobility, the promise of greatness that was in store for Rome in the field whether of politics or of war, to form perhaps binding friendships and to lay up stores of gratitude for future use. In dismissing his nephew, Micipsa was putting the issue into the hands of fate. Jugurtha might never return; but, if he did, it would be with an experience and a prestige which would render him more than ever the certain arbiter of the destinies of the kingdom.

The advantage which Jugurtha took of this marvellous opportunity was a product of his nature and proves no ulterior design. Had he been the simplest and most loyal of souls, he would have been forced to act as he did. As a man of insight he soon learnt Scipio by heart, as a born strategist and trained hunter he soon saw through the tricks of the enemy, as a man devoid of the physical sense of fear he was foremost in every action. He had grasped at once the secret of Roman discipline, and his habit of implicit obedience to the word of command was as remarkable as his readiness in offering the right suggestion, when his opinion was asked. Intelligence was not a striking feature in the mental equipment of the staff which surrounded Scipio; it was grasped by the general wherever found without respect to rank or nationality; and while Marius was rising step by step in virtue of his proved efficiency, the Numidian prince, who might have been merely an ornamental adjunct to the army, was made the leader or participant in almost every enterprise which demanded a shrewd head and a stout heart. The favour of Scipio increased from day to day.[2] This was to be won by merit and success alone. With Romans of a weaker mould Jugurtha's

[1] Sall. *Jug.* 6. 2. [2] *Ibid.* 7. 6.

wealth and social qualities produced a similar result. He entertained lavishly, he was clever, good-natured and amusing. He charmed the Romans whom he excelled as in his childish days he had charmed the Numidian boys whom he outraced.

In these rare intervals of rest from warfare there was opportunity for converse with men of influence and rank. Jugurtha's position and the future of Numidia were sometimes discussed, and the youthful wiseacres who claimed his friendship would sometimes suggest, with the cheerful cynicism which springs from a shallow dealing with imperial interests, that merit such as his could find its fitting sphere only if he were the sole occupant of the Numidian throne.[1] The words may often have been spoken in jest or idle compliment; although some who used them may have meant them to be an expression of the maxim that a protectorate is best served by a strong servant, and that a divided principality contains in itself the seeds of disturbance. Others went so far as to suggest the means as well as the end. Should difficulties arise with Rome, might not the assent of the great powers be purchased with a price? Scipio had not been blind to the colloquies of his favourite. When Numantia had been destroyed and the army was folding its tents, he gave Jugurtha the benefit of a public ovation and a private admonition. Before the tribunal he decorated him with the prizes of war, and spoke fervidly in his praise; then he invited him secretly to his tent and gave him his word of warning. "The friendship of the Roman people should be sought from the Roman people itself; no good could come of securing the support of individuals by equivocal means; there was a danger in purchasing public interest from a handful of vendors who professed to have power to sell; Jugurtha's own qualities were his best asset; they would secure him glory and a crown; if he tried to hasten on the course of events, the material means on which he relied might themselves provoke his utter ruin."[2]

On one point only Scipio seems to have been in agreement with the evil counsellors of Jugurtha. He seems to have believed that the true guardian of Numidia had been found, and the prince took with him a splendid testimonial to be presented to his uncle Micipsa. Scipio wrote in glowing terms of the great qualities which Jugurtha had displayed throughout the war; he expressed his own delight

[1] Sall. *Jug.* 8. 1. [2] *Ibid.* 8. 2.

at these services, his own intention of making them known to the senate and Roman people, his sense of the joy that they must have brought to the monarch himself. His old friendship with Micipsa justified a word of congratulation; the prince was worthy of his uncle and of his grandfather Masinissa.[1]

Whatever Micipsa's later intentions may have been, whether under ordinary circumstances his natural benevolence and even his patriotism would have continued to war with an undefined feeling of distrust, this letter relieved his doubts, if only because it showed that Jugurtha could never fill a private station. The act of adoption was immediately accomplished, and a testament was drawn up by which Jugurtha was named joint heir with Micipsa's own sons to the throne of Numidia.[2] A few years later the aged king lay on his deathbed. As he felt his end approaching, he is said to have summoned his friends and relatives together with his two sons, and in their presence to have made a parting appeal to Jugurtha. He reminded him of past kindnesses but acknowledged the ample return; he had made Jugurtha, but Jugurtha had made the Numidian name again glorious amongst the Romans and in Spain. He exhorted him to protect the youthful princes who would be his colleagues on the throne, and reminded him that in the maintenance of concord lay the future strength of the kingdom. He appealed to Jugurtha as a guardian rather than as a mere co-regent; for the power and name of the mature and distinguished ruler would render him chiefly responsible for harmony or discord; and he besought his sons to respect their cousin, to emulate his virtues, to prove to the world that their father was as fortunate in the children whom nature had given him as in the one who had been the object of his adoption.[3] The appeal was answered by Jugurtha with a goodly show of feeling and respect, and a few days later the old king passed away. The hour which closed his splendid obsequies was the last in which even a show of concord was preserved between the ill-assorted trio who were now the rulers of Numidia. The position of Jugurtha was difficult enough; for to rule would mean either the reduction of his cousins to impotence or the perpetual thwarting of his plans by crude and

[1] Sall. *Jug.* 9. 1.
[2] Statimque eum adoptavit et testamento pariter cum filiis heredem instituit (*Ibid.* 9. 3).
[3] *Ibid.* 10.

suspicious counsels. For that these would be suspicious as well as crude, was soon revealed: and the situation was immediately rendered intolerable by the conduct of Hiempsal. This prince, the younger of the two brothers, was a headstrong boy filled with a sense of resentment at Jugurtha's elevation to the throne and smarting at the neglect of what he held to be the legitimate claim to the succession. When the first meeting of the joint rulers was held in the throne room, Hiempsal hurried to a seat at the right of Adherbal, that Jugurtha might not occupy the place of honour in the centre; it was with difficulty that he was induced by the entreaties of his brother to yield to the claims of age and to move to the seat on the other side. This struggle for precedence heralded the coming storm. In the course of a long discussion on the affairs of the kingdom Jugurtha threw out the suggestion that it might be advisable to rescind the resolutions and decrees of the last five years, since during that period age had impaired the faculties of Micipsa. Hiempsal said that he agreed, since it was within the last three years that Jugurtha had been adopted to a share in the throne. The object of this remark betrayed little emotion; but it was believed that the peevish insult was the stimulus to an anxious train of thought which, as was to be expected from the resolute character of the thinker, soon issued into action. To be a usurper was better than to be thought one; the first situation entailed power, the second only danger. Anger played its part no doubt; but in a temperament like Jugurtha's such an emotion was more likely to be the justification than the cause of a crime. His thoughts from that moment were said to have been bent on ensnaring the impetuous Hiempsal. But guile moves slowly, and Jugurtha would not wait.[1]

The first meeting of the kings had given so thorough a proof of the impossibility of united rule that a resolution was soon framed to divide the treasures and territories of the monarchy. A time was fixed for the partition of the domains, and a still earlier date for the division of the accumulated wealth. The kings meanwhile quitted the capital to reside in close propinquity to their cherished treasures. Hiempsal's temporary home was in the fortified town of Thirmida,[2] and, as chance would have it, he occupied a house which belonged to a man who had once been a confidential

[1] Sall. *Jug.* 11.
[2] *Ibid.* 12. 3. The site of Thirmida is unknown.

attendant on Jugurtha.[1] The inner history of the events which followed could never have been known with certainty; but it was believed that Jugurtha induced this man to visit the house under some pretext and bring back impressions of the keys. The security of Hiempsal's person and treasures was supposed to be guaranteed by his regularly receiving into his own hands the keys of the gates after they had been locked; but a night came in which the portals were noiselessly opened and a band of soldiers burst into the house. They divided into parties, ranging each room in turn, prying into every recess, bursting doors that barred their entrance, stabbing the attendants, some in their sleep, others as they ran to meet the invaders. At last Hiempsal was found crouching in a servant's room; he was slain and beheaded, and those who held Jugurtha to be the author of the crime reported that the head of the murdered prince was brought to him as a pledge of the accomplished act.[2]

The news of the crime was soon spread through the whole of Northern Africa. It divided Numidia into two camps. Adherbal was forced by panic to arm in his own defence, and most of those who remained loyal to the memory of Micipsa gathered to the standard of the legitimate heir. But Jugurtha's fame amongst the fighting men of the kingdom stood him in good stead. His adherents were the fewer in number, but they were the more effective warriors.[3] He rapidly gathered such forces as were available, and dashed from city to city, capturing some by storm and receiving the voluntary submission of others. He had plunged boldly into a civil war, and by his action declared the coveted prize to be nothing less than the possession of the whole Numidian kingdom. But boldness was his best policy; Rome might more readily condone a conquest than a rebellion, and be more willing to recognise a king than a claimant.

Adherbal meanwhile had sent an embassy to the protecting State, to inform the senate of his brother's murder and his own evil plight. But, diffident as he was, he must have felt that a passive endurance of the outrages inflicted by Jugurtha dimmed his prestige and imperilled his position; he found himself at the head of the larger army, and trusting to his superiority in numbers ventured to

[1] Sallust, using Roman phraseology, says that he had been "proxumus lictor Jugurthae" (*l c.*). Such a lictor would stand nearest the magistrate, receive his immediate orders and be, therefore, presumably a more trusted and intimate servant.

[2] Sall. *Jug.* 12.

[3] In duas partis discedunt Numidae; plures Adherbalem secuntur, sed illum alterum bello meliores (*Ibid.* 13. 1).

risk a battle with his veteran enemy. The first conflict was decisive; his forces were so utterly routed that he despaired of maintaining his position in any part of the kingdom. He fled from the battle-field to the province of Africa and thence took ship to Rome.[1]

Jugurtha was now undisputed master of the whole of Numidia and had leisure to think out the situation. It could not have needed much reflection to show that the safer course lay in making an appeal to Rome. It was no part of his plan to detach Numidia entirely from the imperial city; even if such an end were desirable, a national war could not be successfully waged by a people divided in allegiance, against a state whose tenacious policy and inexhaustible resources were only too well known to Jugurtha. But he also knew that Rome, though tenacious, had the tolerance which springs from the unwillingness to waste blood and treasure on a matter of such little importance as a change in the occupancy of a subject throne, that a dynastic quarrel would seem to many *blasé* senators a part of the order of nature in a barbarian monarchy, that it is usually to the interest of a protecting state to recognise a king in fact as one in law, and that he himself possessed many powerful friends in the capital and had been told on good authority that royal presents judiciously distributed might confirm or even mould opinion. Within a few days of his victory he had despatched to Rome an embassy well equipped with gold and silver. His ambassadors were to confirm the affection of his old friends, to win new ones to his cause, and to spare no pains to gain any fraction of support that a bountiful generosity could buy.[2] Possibly few, who received courteous visits or missives from these envoys, would have admitted that they had been bribed. It was the custom of kings to send presents, and they did but answer to the call of an old acquaintance and a man who had done signal service to Rome. The news of Hiempsal's tragic end, the flight and arrival of his exiled brother, had at the moment caused a painful sensation in Roman circles. Now many members of the nobility plucked up courage to remark that there might be another side to the question. The newly gilded youth thronged their seniors in the senate and begged that no inconsiderate resolution should be taken against Jugurtha. The envoys, as men conscious of their virtue, calmly expressed their readiness to await the senate's pleasure. The appointed day arrived, and Adherbal, who appeared in person, unfolded the tale of his wrongs.[3]

[1] Sall. *Jug.* 13. 4. [2] *Ibid.* 13. 6. [3] *Ibid.* 14.

Apart from the emotions of pity and consequent sympathy which may have been awakened in some breasts by the story of the ruined and exiled king, his appeal—passionate, vigorous and telling as it was—could not have been listened to with any great degree of pleasure by the assembled fathers; for it brought home to the government of a protecting state that most unpleasant of lessons, its duty to the protected. With the ingenuity of despair Adherbal exaggerated the degree of Roman government, in order to emphasise the moral and political obligations of the rulers to their dependents. If the King of Numidia was a mere agent of the imperial city,[1] subordinating his wishes to her ends, seeing the security of his own possessions in the extension of her influence alone, clinging to her friendship with a trust as firm as that inspired by ties of blood, it was the duty of the mistress to protect such a servant, and to avenge an outrage which reflected alike on her gratitude and her authority. It had been a maxim of Micipsa's that the clients of Rome supported a heavy burden, but were amply compensated by the immunity from danger that they enjoyed. And, if Rome did not protect, to whom could a client-king look for aid? His very service to Rome had made him the enemy of all neighbouring powers. It was true that Adherbal could claim little in his own right; he was a suppliant before he could be a benefactor, stripped of all power of benefiting his great protector before his devotion could be put to the test. Yet he could claim a debt; for he was the sole relic of a dynasty that had given their all to Rome. Jugurtha was destroying a family whose loyalty had stood every test, he was committing horrid atrocities on the friends of Rome, his insolence and impunity were inflicting as grave an injury on the Roman name as on the wretched victims of his cruelty.

Such was the current of subtle and cogent reasoning that ran through the passionate address of the exiled king, crying for vengeance, but above all for justice. The answer of Jugurtha's envoys was brief and to the point. They had only to state their fictitious case. A plausible case was all that was needed; their advocates would do the rest. Hiempsal, they urged, had been put to death by the Numidians in consequence of the cruelty of his rule. Ad-

[1] Sallust (*l.c.*) makes Adherbal say "Micipsa pater meus moriens mihi praecepit, ut regni Numidiae tantum modo procurationem existumarem meam, ceterum jus et imperium ejus penes vos esse". The "jus et imperium" have no true application to a protectorate.

herbal had been the aggressor in the late war. He had suffered defeat, and was now petitioning for help because he had found himself unable to perpetrate the wrong which he had intended. Jugurtha entreated the senate to let the knowledge which had been gained of him at Numantia guide their opinion of him now, and to set his own past deeds before the words of a personal enemy.[1] Both parties then withdrew and the senate fell to debate.

It is sufficiently likely that, even had there been no corruption or suspicion of corruption, the opinions of the House would have been divided on the question that was put before them. Some minds naturally suspicious might have been doubtful of the facts. Were Hiempsal's death and Adherbal's flight due to national discontent or the unprovoked ambition of Jugurtha? If the former was the case, was the restoration of the king to an unwilling people by an armed force a measure conducive to the interest of the protecting state? But even some who accepted Adherbal's statement of the case, may have doubted the wisdom of a policy of armed intervention; for it was manifest that a considerable degree of force would have to be employed to lead Jugurtha to relinquish his claims and to stamp out the loyalty of his adherents. The senate could have been in no humour for another African war; they regarded their policy as closed in that quarter of the world; they had shifted the burden of frontier defence on to the Kings of Numidia, and must have viewed with alarm the prospect of something far worse than a frontier war arising from the quarrels of those kings. It is probable, therefore, that proposals for a peaceful settlement would in any case have commanded the respectful attention of the senate; had these been made with a show of decency, with a general recognition of Adherbal's claims, and some censure of Jugurtha's overbearing conduct (for this must have been better attested than his share in Hiempsal's death), but little adverse comment might have been excited by the tone of the debate. As it was, when member after member rose, lauded Jugurtha's merits to the skies and poured contempt on the statements of Adherbal,[2] an unpleasant feeling was excited that this fervour was not wholly due to a patriotic interest in the security of the empire. The very boisterousness of the championship induced a more rigorous attitude on the part of those who had not been approached by Jugurtha's

[1] Sall. *Jug.* 15. 1. [2] *Ibid.* 15. 2.

envoys or had resisted their overtures. They maintained that Adherbal must be helped at all costs, and that strict punishment should be exacted for Hiempsal's murder. This minority found an ardent advocate in Scaurus, the keeper of the conscience of the senate, the man who knew better than any that an individual or a government lives by its reputation, who saw with horror that no specious pretexts were being employed to clothe a policy which the malevolent might interpret as a political crime, and that the sinister rumours which had been current in Rome were finding their open verification in the senate. A vigorous championship of the cause of right from the foremost politician of the day, might not influence the decision of the House, and would certainly not lead to a quixotic policy of armed intervention; but it might prove to critics of the government that the inevitable decision had not been reached wholly in defiance of the claims of the suppliant and wholly in obedience to the machinations of a usurper. The decision, which closed the unreal debate, recognised Jugurtha and Adherbal as joint rulers of Numidia. It wilfully ignored Hiempsal's death, it wantonly exposed the lamb to the wolf, it was worthless as a settlement of the dynastic question, unless Jugurtha's supporters entertained the pious hope that their favourite's ambition might be satisfied with the increase now granted to his wealth and territory, and that his prudence might withhold him from again testing the forbearance of the protecting power. But those who possessed keener insight or who knew Jugurtha better, must have foreseen the probable result of the impunity which had been granted; they must have presaged, with anxious foreboding or with patient cynicism, the final disappearance of Adherbal from the scene and a fresh request for the settlement of the Numidian question, which would have become less complex when there was but one candidate for the throne. The decree of the senate enjoined the creation of a commission of ten, which should visit Numidia and divide the whole of the kingdom which had been possessed by Micipsa, between the rival chiefs.[1] The head of the commission was Lucius Opimius, whose influence amongst the members of his order had never waned since he had exercised and proved his right of saving the State from the threatened dangers of sedition. His selection on this occasion gave an air of impartiality to the commission, for he was known to be no friend to Jugurtha.[2]

[1] Sall. *Jug.* 16. 2. [2] *Ibid.* 16. 3.

That prince, however, did not allow his past relations to be an obstacle to his present enterprise. The conquest of Opimius was the immediate object to which he devoted all his energies. As soon as the commissioners had appeared on African soil, they and their chief were received with the utmost deference by the king. The frequent and secret colloquies which took place between the arbitrators and one of the parties interested in their decision were not a happy omen for an impartial judgment, and, if the award could by the exercise of malevolent ingenuity be interpreted as unfair, would certainly breed the suspicion, and, in case the matter was ever submitted to a hostile court of law, the proof that the honour of the commissioners had succumbed to the usual vulgar and universally accredited methods of corruption. On the face of it the award seemed eminently just. Numidia was becoming a commercial and agricultural state; but since commerce and agriculture did not flourish in the same domains, it was impossible to endow each of the claimants equally with both these sources of wealth. To Adherbal was given that part of the kingdom which in its external attributes seemed the more desirable; he was to rule over the eastern half of Numidia which bordered on the Roman province, the portion of the country which enjoyed a readier access to the sea and could boast of a fuller development of urban life. Cirta the capital lay within this sphere, and Adherbal could continue to give justice from the throne of his fathers. But those who held that the strength of a country depended mainly on its people and its soil, believed that Jugurtha had received the better part. The territories with which he was entrusted were those bordering on Mauretania, rich in the products of the soil and teeming with healthy human life.[1] From the point of view of military resources there could be no question as to which of the two kings was the stronger. The peaceful character of Adherbal may have seemed a justification for his peaceful sphere of rule; but the original aggressor was kept at his normal strength. Jugurtha ruled over the lands in which the national spirit, of which he was himself the embodiment, found its fullest and fiercest expression. He did not mean to acquiesce for a moment in the settlement effected by the commission. No sooner had it completed its task and returned home, than he began to devise a scheme which would lead to war between

[1] Sall. *Jug.* 16. 5.

the two principalities and the consequent annihilation of Adherbal. He shrank at first from provoking the senate by a wanton attack on the neighbouring kingdom which they had just created; his design was rather to draw Adherbal into hostilities which would lead to a pitched battle, a certain victory, the disappearance of the last of Micipsa's race and the union of the two crowns. With this object he massed a considerable force on the boundary between the two kingdoms and suddenly crossed the frontier. His mounted raiders captured shepherds with their flocks, ravaged the fields of the peasantry, looted and burned their homes; then swept back within their own borders.[1] But Adherbal was not moved to reprisals. His circumstances no less than his temperament dictated methods of peace: and, if he could not keep his crown by diplomacy, he must have regarded it as lost. The Roman people was a better safeguard than his Numidian subjects, and it was necessary to temporise with Jugurtha until the senate could be moved by a strong appeal. Envoys were despatched to the court of the aggressor to complain of the recent outrage; they brought back an impudent reply; but Adherbal, steadfast in his pacific resolutions, still remained quiescent. Jugurtha's plan had failed and he was in no mood for further delay; he held now, as he had done once before, that his end could best be effected by vigorous and decisive action. The lapse of time could not improve his own position but might strengthen that of Adherbal, and it was advisable that a new Roman commission should witness an accomplished fact and make the best of it rather than engage again in the settlement of a disputed claim. It was no longer a predatory band but a large and regular army that he now collected; his present purpose was not a foray but a war.[2] He advanced into his rival's territory ravaging its fields, harrying its cities and gathering booty as he went. At every step the confidence of his own forces, the dismay of the enemy increased.

Adherbal was at last convinced that he must appeal to the sword for the security of his crown. A second flight to Rome would have utterly discredited him in the eyes of his subjects, perhaps in those of the Roman government itself; yet, as his chief hope still lay in Rome, he hurriedly despatched an embassy to the suzerain city[3]

[1] Sall. *Jug.* 20. 4.
[2] *Ibid.* 20. 7 Itaque non uti antea cum praedatoria manu, sed magno exercitu conparato bellum gerere coepit et aperte totius Numidiae imperium petere.
[3] *Ibid.* 21. 3.

while he himself prepared to take the field. With unwilling energy he gathered his available forces and marched to oppose Jugurtha's triumphant progress. The invading host had now skirted Cirta to the west and was apparently attempting to cut off its communications with the sea. The disastrous results that would have followed the success of this attempt, may have been the final motive that spurred Adherbal to his appeal to arms; and it was somewhere within the fifty miles that intervened between the capital and its port of Rusicade and at a spot nearer to the sea than to Cirta,[1] that the opposing armies met. The day was already far spent when Adherbal came into touch with his enemy: there was no thought of a pitched battle in the gathering gloom, and either party took up his quarters for the night. Towards the late watches of the night, in the doubtful light of the early dawn, the soldiers of Jugurtha crept up to the outposts of the enemy; at a given signal they rushed on the camp and carried it by storm. Adherbal's soldiers, heavy with sleep and groping for their arms, were routed or slain; the prince himself sprang on his horse and with a handful of his knights sped for safety to the walls of Cirta, Jugurtha's troops in hot pursuit. They had almost closed on the fugitive before the walls were reached; but the race had been watched from the battlements, and, as the flying Adherbal passed the gates, the walls were manned by a volunteer body of Italian merchants who kept the pursuing Numidians at bay.[2] It was the merchant class that had most to fear from the cruelty and cupidity of the nomad hordes that now beat against the fortress, and during the siege that followed they controlled the course of events far more effectually than the unhappy king whom they had for the moment saved from destruction.

Jugurtha's plans were foiled; Adherbal had escaped, and there lay before him the irksome prospect of a siege, of probable interference from Rome and, it might be, of the necessity of openly defying the senate's commands. But it was now too late to draw back, and he set himself vigorously to the work of reducing Cirta by assault or famine. The task must have been an arduous one. The town formed one of the strongest positions for defence that could be

[1] Sallust says (*Jug.* 21. 2): Haud longe a mari prope Cirtam oppidum utriusque exercitus consedit. He apparently underestimates the distance of Cirta from the sea.

[2] *Ibid.* 21. 2 Ni multitudo togatorum fuisset, quae Numidas insequentis moenibus prohibuit, uno die inter duos reges coeptum atque patratum bellum foret.

found in the ancient world. It was built on an isolated cube of rock that towered above the vast cultivated tracts of the surrounding plain. At its eastern extremity the precipice made a sheer drop of six hundred feet, and was perhaps quite inaccessible on this side, although it threw out spurs, whether natural or of artificial construction, which formed a difficult and easily defensible communication with the lower land around. Its natural bastions were completed by a natural moat, for the river Ampsaga (the Wäd Remel) almost encircled the town, and on the eastern side its deep and rushing waters could only be crossed by a ledge of rock, through which it bored a subterranean channel and over which some kind of bridge or causeway had probably been formed.[1] The natural and easy mode of approach to the city was to be found in the south-west, where a neck of land of half a furlong's breadth led up to the principal gate.

In spite of the formidable difficulties of the task Jugurtha attempted an assault, for it was of the utmost importance that he should possess the person of Adherbal before interference was felt from Rome. Mantlets, turrets and all the engines of siege warfare were vigorously employed to carry the town by storm;[2] but the stout walls baffled every effort, and Jugurtha was forced to face as best he might another Roman embassy which Adherbal's protests had brought to African soil. The senate, when it had learnt the news of the renewed outbreak of the war, was as unwilling as ever to intervene as a third partner in a three-sided conflict. To play the part of the policeman as well as of the judge was no element in Roman policy; the very essence of a protectorate was that it should take care of itself; were intervention necessary, it should be decisive, and it would be a lengthy task and an arduous strain to gather and transport to Africa a force sufficient to overawe Jugurtha. The easy device of a new commission was therefore adopted. If its suggestions were obeyed, all would be well; if they were neglected, matters could not be much worse than they were at present. As the new commissioners had merely to take a message and were credited with no discretionary power, it was thought unnecessary to burden the higher magnates of the State with the unenviable

[1] The bridge described by Shaw, constructed on one of the natural arches which connect the two sides of the river bed and presenting two ranges of superposed arcades, is no longer in existence. This bridge attached the south-eastern angle of the town to the heights of Mansoura. See Tissot *Géographie comparée* ii. p. 393.

[2] Sall. *Jug.* 21. 3.

task, or to expose them to the undignified predicament of finding their representations flouted by a rebel who might have eventually to be recognised as a king. A chance was given to younger members of the senatorial order, and the three who landed in Africa were branded by the hostile criticism that was soon to find utterance and in the poverty of its indictment to catch at every straw, as lacking the age and dignity demanded by the mission—qualities which, had they been present, would probably have failed to make the least impression on Jugurtha's fixed resolve. The commissioners were to approach both the kings and to bring to their notice the will and resolution of the Roman senate and people, which were to the effect that hostilities should be suspended and that the questions at issue between the rivals should be submitted to peaceful arbitration. This conduct the senate recommended as the only one worthy of its royal clients and of itself.[1]

The speed of the envoys was accelerated by the impression that they might find but one king to be the recipient of their message. On the eve of their departure the news of the decisive battle and the siege of Cirta had reached their ears. Haste was imperative, if they were to retain their position as envoys, for the next despatch might bring news of Adherbal's death. The actual news received fell short of the truth,[2] and was perhaps still further softened for the public ear; the fact that the envoys had sailed was itself an official indication that all hope had not been abandoned. If they cherished a similar illusion themselves, it must almost have vanished before the sight that met their eyes in Numidia. They saw a closely beleaguered town in which one of the kings, who were to be the recipients of their message, was so closely hemmed that access to him was impossible.[3] The other, without abating one jot of his military preparations, met them with an answer as uncompromising as it was courteous. Jugurtha held nothing more precious than the authority of the senate; from his youth up he had striven to meet the approbation of the good; it was by merit not by artifice, that he had gained the favour of Scipio; it was desert that had won him a place amongst Micipsa's children and a share in the Numidian

[1] Sall. *Jug.* 21. 4 Postquam senatus de bēllo eorum accepit, tres adulescentes in Africam legantur, qui ambos reges adeant, senatus populique Romani verbis nuntient velle et censere eos ab armis discedere, de controvorsiis suis jure potius quam bello disceptare: ita seque illisque dignum esse.

[2] Is rumor clemens erat (*Ibid.* 22. 1).

[3] Adherbalis adpellandi copia non fuit (*Ibid.* 22. 5).

crown. But qualities carry their responsibilities; the very distinction of his services made it the more incumbent on him to avenge a wrong. Adherbal had treacherously plotted against his life; the crime had been revealed and he had but taken steps to forestall it; the Roman people would not be acting justly or honourably, if they hindered him from taking such steps in his own defence as were the common right of all men.[1] He would soon send envoys to Rome to deal with the whole question in dispute.

This answer showed the Roman commissioners the utter helplessness of their position. Their presence in Jugurtha's camp within sight of a city in which a client king and a number of their own citizens were imprisoned, was itself a stigma on the name of Rome. If they had prayed to see Adherbal, the request must have been refused; to prolong the negotiations was to court further insult, and they set their faces once more for Rome after faithfully performing the important mission of repeating a message of the senate with verbal correctness. Jugurtha granted them the courtesy of not renewing his active operations until he thought that they had quitted Africa. Then, despairing of carrying the town by assault, he settled to the work of a regular siege. The nature of the ground must have made a complete investment impossible; but it also rendered it unnecessary. The cliffs and the river bed made escape as difficult as attack. On some sides it was but necessary to maintain a strenuous watch on every possible egress; on others lines of circumvallation, with ramparts and ditches, kept the beleaguered within their walls. Siege-towers were raised to mate the height of the fortifications which they threatened, and manned with garrisons to harry the town and repel all efforts of its citizens to escape. The blockade was varied by a series of surprises, of sudden assaults by day or night; no method of force or fraud was left untried; the loyalty of the defenders who appeared on the walls was assailed by threats or promises; the assailants were strenuously exhorted to effect a speedy entry.

It would seem that Cirta was ill-provided with supplies.[2] Adherbal, who had made it the basis of his attack and must have foreseen the probability of his defeat, should have seen that it was well provisioned; and the vast cisterns and granaries cut in the solid

[1] Si ab jure gentium sese prohibuerit (Sall. *Jug.* 22. 4).

[2] *Ibid.* 23. 2 Adherbal . . . intellegit . . . penuria rerum necessariarum bellum trahi non posse.

rock, that were in later times to be found within the city, should have supplied water and food sufficient to prolong the siege to a degree that might have tried the senate's patience as sorely as Jugurtha's. But neither the king nor his advisers were adepts in the art of war; it must have been difficult to regulate the distribution of provisions amidst the trading classes, of unsettled habits and mixed nationalities, that were crowded within the walls; discontent could not be restrained by discipline and might at any moment be a motive to surrender. The imprisoned king saw no prospect of a prolongation of the war that could secure even his personal safety; no help could be looked for from without and a ruthless enemy was battering at his gates. His only hope, a faint one, lay in a last appeal to Rome; but the invader's lines were drawn so close that even a chance of communicating with the protecting city seemed denied. At length, by urgent appeals to pity and to avarice, he induced two of the comrades who had joined his flight from the field of battle, to risk the venture of penetrating the enemy's lines and reaching the sea.[1] The venture, which was made by night, succeeded; the two bold messengers stole through the enclosing fortifications, rapidly made for the nearest port, and thence took ship to Rome. Within a few days they were in the presence of the senate,[2] and the despairing cry of Adherbal was being read to an assembly, to whom it could convey no new knowledge and on whom it could lay no added burden of perplexity. But emotion, although it cannot teach, may focus thought and clarify the promptings of interest. To many a loose thinker Adherbal's missive may have been the first revelation, not only of the shame, but of the possible danger of the situation. The facts were too well known to require detailed treatment. It was sufficient to remind the senate that for five months a friend and ally of the Roman people had been blockaded in his own capital; his choice was merely one between death by the sword and death by famine. Adherbal no longer asked for his kingdom; nay, he barely ventured to ask for his life; but he deprecated a death by torture—a fate that would most certainly be his if he fell into the hands of his implacable foe. The appeal to interest was interwoven with that made to pity and to honour. What were Jugurtha's ultimate motives? When he had consummated his crimes and absorbed the whole of Numidia, did he mean to remain a peaceful

[1] Sall. *Jug.* 23. 2. [2] *Ibid.* 24.

client-king, a faithful vassal of Rome? His fidelity and obedience might be measured by the treatment which he had already accorded to the mandate and the envoys of the senate. The power of Rome in her African possessions was at stake; and the majesty of the empire was appealed to no less than the sense of friendship, loyalty, and gratitude, as a ground for instant assistance which might yet save the suppliant from a terrible and degrading end.

The impression produced by this appeal was seen in the bolder attitude adopted by that section of the senate which had from the first regarded Jugurtha as a criminal at large, and had never approved the policy of leaving Numidia to settle its own affairs. Voices were heard advocating the immediate despatch of an army to Africa, the speedy succour of Adherbal, the consideration of an adequate punishment for the contumacy of Jugurtha in not obeying the express commands of Rome.[1] But the usual protests were heard from the other side, protests which were interpreted as a proof of the utter corruption of those who uttered them,[2] but which were doubtless veiled in the decent language, and may in some cases have been animated by the genuine spirit, of the cautious imperialist who prefers a crime to a blunder. The conflict of opinion resulted in the usual compromise. A new commission was to be despatched with a more strongly worded message from the senate; but, as rumour had apparently been busy with the adventures of the "three young men" whom Jugurtha had turned back, it was deemed advisable to select the present envoys from men whose age, birth and ample honours might give weight to a mission that was meant to avert a war.[3] The solemnity of the occasion was attested, and some feeling of assurance may have been created, by the fact that there figured amongst the commissioners no less a person than the chief of the senate Marcus Aemilius Scaurus, beyond all question the foremost man of Rome,[4] the highest embodiment of patrician dignity and astute diplomacy. The pressing appeal of Adherbal's envoys, the ugly rumours which were circulating in Rome, urged the commissioners to unwonted activity. Within three days they were on board, and after a short interval had landed at

[1] Sall. *Jug.* 25. 1.

[2] *Ibid.* 25. 3 Ita bonum publicum, ut in plerisque negotiis solet, privata gratia devictum.

[3] *Ibid.* 25. 4 Legantur tamen in Africam majores natu nobiles, amplis honoribus usi.

[4] Cujus . . . nutu prope terrarum orbis regebatur (Cic. *pro Font.* 7. 24).

Utica in the African province. The experience of the former mission had taught them that their dignity might be utterly lost if they quitted the territory of the Roman domain. They did not deign to set foot in Numidia, but sent a message to Jugurtha informing him that they had a mandate from the senate and ordering him to come with all speed to the Roman province.

Jugurtha was for the moment torn by conflicting resolutions. The very audacity of his acts had been tempered and in part directed by a secret fear of Rome. Whether in any moments of ambitious imagination he had dreamed of throwing off the protectorate and asserting the unlimited independence of the Numidian kingdom, must remain uncertain; but in any case that consummation must belong to the end, not to the intermediate stage, of his present enterprise. His immediate plan had been to win or purchase recognition of an accomplished fact from the somnolence, caution or corruption of the government; and here was intervention assuming a more formidable shape while the fact was but half accomplished and he himself was but playing the part of the rebel, not of the king. The dignity of the commissioners, and the peremptory nature of their demand, seemed to show that negotiations with Rome were losing their character of a conventional game and assuming a more serious aspect. It is possible that Jugurtha did not know the full extent of the danger which he was running; it is possible that, like so many other potentates who had relations with the imperial city, he made the mistake of imagining that the senate was in the fullest sense the government of Rome, and had no cognisance of the subtle forces whose equilibrium was expressed in a formal control by the nobility; but even what he saw was sufficient to alarm him and to lead him, in a moment of panic or prudence, to think of the possibility of obeying the commission. At the next moment the new man, which the deliberate but almost frenzied pursuit of a single object had made of Jugurtha, was fully reasserted.[1] But his passion was not blind; his recklessness still veiled a plan; his one absorbing desire was to see Adherbal in his hands before he should himself be forced to meet the envoys. He gave orders for his whole force to encircle the walls of Cirta; a simultaneous assault was directed against every vulnerable point; the attention of the de-

[1] Sall. *Jug.* 25. § Primo commotus metu atque lubidine divorsus agitabatur. Timebat iram senatus, ni paruisset legatis: porro animus cupidine caecus ad inceptum scelus rapiebatur.

fenders was to be distracted by the ubiquitous nature of the attack; a failure of vigilance at any point might give him the desired entry by force or fraud. But nothing came of the enterprise; the assailants were beaten back, and Jugurtha had another moment for cool reflection. He soon decided that further delay would not strengthen his position. The name of Scaurus weighed heavily on his mind.[1] He was an untried element with respect to the details of the Numidian affair; but all that Jugurtha knew of him—his influence with the senate, his uncompromising respectability, his earlier attitude on the question—inspired a feeling of fear. Obedience to the demand which the commissioners had made for his presence might be the wiser course; whatever the result of the interview, such obedience might prolong the period of negotiation and delay armed intervention until his own great object was fulfilled. With a few of his knights Jugurtha crossed into the Roman province and presented himself before the commissioners. We have no record of the discussion which ensued. The senate's message was almost an ultimatum; it threatened extreme measures if Jugurtha did not desist from the siege of Cirta; but the peremptory nature of the missive did not prevent close and lengthy discussions between the envoys and the king. The plausible personality of Jugurtha may have told in his favour and may have led to the hopes of a compromise; for it is not probable that he ventured on a summary rejection of their orders or advice. But the commissioners could merely threaten or advise; they had no power to wring promises from the king or to keep him to them when they were made. Thus when, at the close of the debates, Jugurtha returned to Numidia and the envoys embarked at Utica, it was felt on all sides that nothing had been accomplished.[2] The commissioners may have believed that they had made Jugurtha sensible of his true relations to Rome; they had perhaps threatened open war as the result of disobedience; but they had neither checked his progress nor stayed his hand; and the taint with which all dealings with the wealthy potentate infected his environment, clung even to this select body of distinguished men.

The immediate effect of the fruitless negotiations was the disaster which every one must have foreseen. Cirta and her king had been utterly betrayed by their protectress; and when the news of

[1] Sall. *Jug.* 25. 10.

[2] *Ibid.* 25. 11.

the departure of the envoys and the return of Jugurtha penetrated within the walls, despair of further resistance gave substance to the hope of the possibility of surrender on tolerable terms. The hope was never present to the mind of Adherbal; he knew his enemy too well. Nor could it have been entertained in a very lively form by the king's Numidian councillors and subjects. But the Numidian was not the strongest element in Cirta. There the merchant class held sway. In the defence of their property and commerce, the organised business and the homes which they had established in the civilised state, they had taken the lead in repelling the hordes of Western Numidians which Jugurtha led; and amongst the merchant class those of Italian race had been the most active and efficient in repelling the assaults of the besiegers. To these men the choice was not between famine and the sword; but merely between famine and the loss of property or comfort. For what Roman or Italian could doubt that the most perfect security for his life and person was still implicit in the magic name of Rome? Confident in their safety they advised Adherbal to hand over the town to Jugurtha; the only condition which he needed to make was the preservation of his own life and that of the besieged; all else was of less importance, for their future fortunes rested not with Jugurtha but with the senate.[1] It is questionable whether the Italians were really inspired with this blind confidence in the senate's power to restore as well as to save; even their ability to save was more than doubtful to Adherbal; still more worthless was a promise made by his enemy. The unhappy king would have preferred the most desperate resistance to a trust in Jugurtha's honour; but the advice of the Italians was equivalent to a command; and a gleam of hope, sufficient at least to prevent him from taking his own life, may have buoyed him up when he yielded to their wishes and made the formal surrender. The hope, if it existed, was immediately dispelled. Adherbal was put to death with cruel tortures.[2] The Italians then had their proof of the present value of the majesty of the name of Rome. Their calculations had been vitiated by one fatal blunder. They forgot that they were letting into their stronghold an exasperated people drawn from the rudest parts of

[1] Sall. *Jug.* 26. 1 Italici, quorum virtute moenia defensabantur, confisi deditione facta propter magnitudinem populi Romani inviolatos sese fore, Adherbali suadent uti seque et oppidum Jugurthae tradat, tantum ab eo vitam paciscatur: de ceteris senatui curae fore.

[2] *Ibid.* 26. 3 Jugurtha in primis Adherbalem excruciatum necat.

Numidia—a people to whom the name of Rome was as nothing, to whom the name of merchant or foreigner was contemptible and hateful. As the surging crowd of Jugurtha's soldiery swept over the doomed city, massacring every Numidian of adult age, the claim of nationality made by the protesting merchants was not unnaturally met by a thrust from the sword. If even the assailants could distinguish them in the frenzy of victory, they knew them for men who had occupied the fighting line; and this fact was alone sufficient to doom them to destruction. Jugurtha may also have made his blunder. Unless we suppose that his penetrating mind had been suddenly clouded by the senseless rage which prompts the half-savage man to a momentary act of demoniacal folly, he could never have willed the slaughter of the Roman and Italian merchants.[1] If he willed it in cold blood, he was consciously making war on Rome and declaring the independence of Numidia. For, even with his limited knowledge of the balance of interests in the capital, he must have seen that the act was inexpiable. His true policy, now as before, was not to cross swords with Rome, but merely to wring from her indifference a recognition of a purely national crime. His wits had failed him if he had ordered a deed which put indifference and recognition out of the question. It is probable that he did not calculate on the fury of his troops; it is possible that he had ceased to lead and was a mere unit swept along in the avalanche which sated its wrath at the prolonged resistance, and avenged the real or fancied crimes committed by the merchant class.

The massacre of the merchants caused a complete change in the attitude with which Numidian events were viewed at Rome. It cut the commercial classes to the quick, and this third party which moulded the policy of Rome began closing up its ranks. The balance of power on which the nobility had rested its presidency since the fall of Caius Gracchus, began to be disturbed. It was possible again for a leader of the people to make his voice heard; not, however, because he was the leader of the people, but because he was the head of a coalition. The man of the hour was Caius Memmius, who was tribune elect for the following year. He was an orator, vehement rather than eloquent, of a mordant utterance, and famed in the

[1] Sallust (*l. c.*) represents him as the author of this massacre; (Jugurtha) omnis puberes Numidas atque negotiatores promiscue, uti quisque armatus obvius fuerat, interficit. But the attribution may be due to the brevity of the narrative. The leader of a murderous host may easily be credited with the outrages which it commits.

courts for his power of attack.[1] His critical temperament and keen eye for abuses had already led him to join the sparse ranks of politicians who tried still to keep alive the healthy flame of discontent, and to utter an occasional protest against the manner in which the nobility exercised their trust.[2] His influence must have been increased by the growing suspicion of the last few years and the scandal that fed on tales of bribery in high places; it was assured by the latest news which, through the illogical process of reasoning out of which great causes grow, seemed to make rumour a certainty and to justify suspicion by the increased numbers and respectability of the suspecting. A pretext for action was found in the shifty and dilatory proceedings of the senate. Even the latest phase of the Numidian affair was not powerful or horrible enough to crush all attempts at a temporising policy.[3] Men were still found to interrupt the course of a debate which promised to issue in some strong and speedy resolution, by raising counter-motions which the great names of the movers forced on the attention of the house; every artifice which influence could command was employed to dull the pain of a wounded self-respect; and when this method failed, idle recrimination took the place of argument as a means of consuming the time for action and passing the point at which anger would have cooled into indifference, or at least into an emotion not stronger than regret. It was plain that the stimulus must be supplied from without; and Memmius provided it by going straight to the people and embodying their floating suspicions in a bald and uncompromising form. He told them[4] that the prolonged proceedings in the senate meant simply that the crime of Jugurtha was likely to be condoned through the influence of a few ardent partisans of the king; and it is probable that he dealt frankly and in the true Roman manner with the motives for this partisanship. The pressure was effectual in bringing to a head the deliberations of the senate. The council as a whole did not need conversion on the main question at issue, for most of its members must have felt that it had exhausted the resources of peaceful diplomacy, and it

[1] Cic. *Brut.* 36. 136 Tum etiam C. L. Memmii fuerunt oratores mediocres, accusatores acres atque acerbi. Itaque in judicium capitis multos vocaverunt, pro reis non saepe dixerunt. For his mordant style see Cic. *de Orat.* ii. 59. 240. The lofty opinion which he was supposed to hold of himself is illustrated in Cic. *de Orat.* ii. 66. 267 Velut tu, Crasse, in contione "ita sibi ipsum magnum videri Memmium ut in forum descendens caput ad fornicem Fabianum demitteret".

[2] He was already "vir acer et infestus potentiae nobilitatis" (Sall. *Jug.* 27. 2).

[3] *Ibid.* 27. 1.

[4] *Ibid.* 27. 2.

showed its characteristic aversion to the provocation of a constitutional crisis, which might easily arise if the people chose to declare war on the motion of a magistrate without waiting for the advice of the fathers; while the obstructive minority may have been alarmed by the distant vision of a trial before the Assembly or before a commission of inquiry composed of judges taken from the angry Equites. The senate took the lead in a formal declaration of war; Numidia was named as one of the provinces which were to be assigned to the future consuls in accordance with the provisions of the Sempronian law. The choice of the people fell on Publius Scipio Nasica and Lucius Calpurnius Bestia as consuls for the following year.[1] The lot assigned the home government and the guardianship of Italy to Nasica, while Bestia gained the command in the impending war. Military preparations were pushed on with all haste; an army was levied for service in Africa; pay and supplies were voted on an adequate scale.

The news is said to have surprised Jugurtha.[2] Perhaps earlier messages of a more cheerful import had reached him from Rome during the days when successful obstruction seemed to be achieving its end, and had dulled the fears which the massacre of Cirta must have aroused even in a mind so familiar with the acquiescent policy of the senate. Yet even now he did not lose heart, nor did his courage take the form, prevalent amongst the lower types of mind, of a mere reliance on brute force, on the resources of that Numidia of which he was now the undisputed lord. With a persistence born of successful experience he still attempted the methods of diplomacy —methods which prove a lack of insight only in the sense that Rome was an impossible sphere for their present exercise. The king had not gauged the situation in the capital; but subsequent events proved that he still possessed a correct estimate of the real inclinations of the men who were chiefly responsible for Roman policy. The Numidian envoy was no less a person than the king's own son, and he was supported by two trusty counsellors of Jugurtha.[3] As was usual in the case of a diplomatic mission arriving from a country which had no treaty relations, or was actually in a state of war,

[1] Sall. *Jug.* 27. 3 Lege Sempronia provinciae futuris consulibus Numidia atque Italia decretae. Consules declarati P. Scipio Nasica, L. Bestia: Calpurnio Numidia, Scipioni Italia obvenit.

[2] Jugurtha, contra spem nuntio accepto, quippe cui Romae omnia venum ire in animo haeserat (*Ibid.* 28. 1).

[3] *Ibid.*

with Rome, the envoys were not permitted to pass the gates until the will of the senate was known. An excellent opportunity was given for proving the conversion of the senate. When the consul Bestia put the question "Is it the pleasure of the house that the envoys of Jugurtha be received within the walls?" the firm answer was returned that "Unless these envoys had come to surrender Numidia and its king to the absolute discretion of the Roman people, they must cross the borders of Italy within ten days".[1] The consul had this message conveyed to the prince, and he and his colleagues returned from their fruitless mission.

Bestia meanwhile was consumed with military zeal. His army was ready, his staff was chosen, and he was evidently bent on an earnest prosecution of the war. He was in many respects as fit a man as could have been selected for the task. His powers of physical endurance and the vigour of his intellect had already been tested in war; he possessed the resolution and the foresight of a true general. But the canker of the age was supposed to have infected Bestia and neutralised his splendid qualities.[2] The proof that he allowed greed to dominate his public conduct is indeed lacking; but he would have departed widely from the spirit of his time if he had allowed no thought of private gain to add its quota to the joy of the soldier who finds himself for the first time in the untrammelled conduct of a war. To the commanders of the age foreign service was as a matter of course a source of profit as well as a sphere of duty or of glory. To Bestia it was also to be a sphere for diplomacy; and diplomacy and profit present an awkward combination, which gives room for much misinterpretation. Although the war was in some sense a concession to outside influences, the consul did not represent the spirit to which the senate had yielded. Nine years earlier he had served the cause of the nobility by effecting the recall of Popillius from exile,[3] and was now a member of that inner circle of the government whose cautious manipulation of foreign affairs was veiled in a secrecy which might easily rouse the suspicion, because it did not appeal to the intelligence, of the masses. How vital a part diplomacy was to play in the coming war, was shown by Bestia's selection of his staff. It was practically a committee of

[1] Sall. *Jug.* 28. 2.

[2] In consule nostro multae bonaeque artes animi et corporis erant, quas omnis avaritia praepediebat: patiens laborum, acri ingenio, satis providens, belli haud ignarus, firmissumus contrà pericula et insidias (*Ibid.* 28. 5).

[3] P. 279.

the inner ring of governing nobles,[1] and the importance attached to the purely political aspect of the African war was proved by the fact that Scaurus himself deigned to occupy a position amongst the legates of the commander. It was a difficult task which Bestia and his assistants had to perform. They were to carry out the mandate of the people and pursue Jugurtha as a criminal; they were to follow out their own conviction as to the best means of saving Rome from a prolonged and burdensome war with a whole nation—a conviction which might force them to recognise Jugurtha as a king. To avenge honour and at the same time to secure peace was, in the present condition of the public mind, an almost impossible task. Its gravity was increased by the fact that, through the method of selection employed for composing the general's council, a certain section of the nobility, already marked out for suspicion, would be held wholly responsible for its failure. It was a gravity that was probably undervalued by the leaders of the expedition, who could scarcely have looked forward to the day when it might be said that Bestia had selected his legates with a view of hiding the misdeeds which he meant to commit under the authority of their names.[2]

When the time for departure had arrived, the legions were marched through Italy to Rhegium, were shipped thence to Sicily and from Sicily were transferred to the African province. This was to be Bestia's basis of operations; and when he had gathered adequate supplies and organised his lines of communication, he entered Numidia. His march was from a superficial point of view a complete success; large numbers of prisoners were taken and several cities were carried by assault.[3] But the nature of the war in hand was soon made painfully manifest. It was a war with a nation, not a mere hunting expedition for the purpose of tracking down Jugurtha. The latter object could be successfully accomplished only if some assistance were secured from friendly portions of Numidia or from neighbouring powers. But there was no friendly portion of Numidia. The mercantile class had been wiped out, and though the Romans seem to have regained possession of Cirta at an early

[1] Sall. *Jug.* 28. 4 Calpurnius parato exercitu legat sibi homines nobilis, factiosos, quorum auctoritate quae deliquisset munita fore sperabat.

[2] Sall. *l.c.*

[3] The only record of this campaign is contained in the few words of Sallust (*Ibid.* 28. 7) Acriter Numidiam ingressus est multosque mortalis et urbis aliquot pugnando cepit.

period of the war,[1] it is not likely that it ever resumed the industrial life, which might have supplied money and provisions, if not men; while the position of the town rendered it useless as a basis of operations for expeditions into that western portion of Numidia, from which the chief military strength of Jugurtha was drawn. In these regions a possible ally was to be found in Bocchus King of Mauretania; but his recent overtures to Rome had been deliberately rejected by the senate. Nothing but the name of this great King of the Moors, who ruled over the territory stretching from the Muluccha to Tingis, had hitherto been known to the Roman people; even the proximity of a portion of his kingdom to the coast of Spain had brought him into no relations, either friendly or hostile, to the imperial government.[2] Bocchus had secured peace with his eastern neighbour by giving his daughter in marriage to Jugurtha; but he never allowed this family connection to disturb his ideas of political convenience and, as soon as he heard that war had been declared against Jugurtha, he sent an embassy to Rome praying for a treaty with the Roman people and a recognition as one of the friends of the Republic.[3] This conduct may have been due to the belief that a victory of the Romans over Jugurtha would entail the destruction of the Numidian monarchy and the reduction of at least a portion of the territory to the condition of a province. In this case Mauretania would itself be the frontier kingdom, playing the part now taken by Numidia; and Bocchus may have wished to have some claim on Rome before his eastern frontier was bordered, as his northern was commanded, by a Roman province. He may even have hoped to benefit by the spoils of war, as Masinissa had once benefited by

[1] Possibly not at this time, but the date of its recovery is unknown. The town is in the hands of Metellus during the closing months of his campaign (Sall. *Jug.* 81. 2). *Cf.* p. 431.

[2] Sall. *Jug.* 19. 7 Mauris omnibus rex Bocchus imperitabat, praeter nomen cetera ignarus populi Romani, itemque nobis neque bello neque pace antea cognitus. Practically nothing is known of the predecessors of this king. Livy (xxix. 30) mentions an earlier Baga of Mauretania, and perhaps this name is identical with that of Bocchus or Βόγος. See Biereye *Res Numidarum et Maurorum.* For the earlier history of Mauretania see also Göbel *Die Westküste Afrikas im Altertum.* The boundaries of the kingdom were the Atlantic and the Muluccha on the west and east respectively (Liv. xxiv. 49, xxi. 22; Sall. *Jug.* 110). The southern boundary naturally shifted. At times the Mauretanian kings ruled over some of the Gaetulian tribes, and Strabo (ii. 3. 4) makes the kingdom extend at one time to tribes akin to the Aethiopians—presumably to the Atlas range. Elsewhere (xvii. 3. 2) he speaks of it as extending over the Rîf to the Gaetulians. See Göbel *op cit.* pp. 79-82.

[3] *Ibid.* 80. 4 Bocchus initio hujusce belli legatos Romam miserat foedus et amicitiam petitum.

those which fell from Syphax and from Carthage, and to increase his territories at the expense of his son-in-law. There can be no better proof of the real intentions of the government as regards Numidia, even after war had been declared, than the senate's rejection of the offer made by Bocchus. His aid would be invaluable from a strategic point of view, if the aim of the expedition were to make Numidia a province or even to crush Jugurtha. But the most constant maxim of senatorial policy was to avoid an extension of the frontiers, and this principle was accompanied by a strong objection to enter into close relations with any power that was not a frontier state. Such relations might involve awkward obligations, and were inconsistent with the policy which devolved the whole obligation for frontier defence and frontier relations on a friendly client prince. Whether the maintenance of the traditional scheme of administration in Africa demanded the renewed recognition of Jugurtha as King of Numidia, was a subordinate question; its answer depended entirely on the possibility of the Numidians being induced to accept any other monarch.

It must have required but a brief experience of the war to convince Bestia and his council that a Numidian kingdom without the recognition of Jugurtha as king was almost unthinkable, unless Rome was prepared to enter on an arduous and harassing war for the piecemeal conquest of the land or (a task equally difficult) for the purpose of securing the person of an elusive monarch, who could take every advantage of the natural difficulties of his country and could find a refuge and ready assistance in every part of his dominions. The tentative approaches of Jugurtha, who negotiated while he fought, were therefore admitted both by the consul and by Scaurus, who inevitably dominated the diplomatic relations of the war. That Jugurtha sent money as well as proposals at the hands of his envoys, was a fact subsequently approved by a Roman court of law, and deserves such credence as can be attached to a verdict which was the final phase of a political agitation. That Bestia was blinded by avarice and lost all sense of his own and his country's honour, that Scaurus's sense of respectability and distrust of Jugurtha went down before the golden promises of the king,[1] were beliefs widely held, and perhaps universally professed, by the

[1] Sall. *Jug.* 29. 2 Scaurus . . . tametsi a principio, plerisque ex factione ejus conruptis, acerrume regem inpugnaverat, tamen magnitudine pecuniae a bono honestoque in pravom abstractus est.

democrats who were soon thundering at the doors of the Curia—by men, that is, who did not understand, or whose policy led them to profess misunderstanding of, the problem in statecraft, as dishonouring in some of its aspects as such problems usually are, which was being faced by a general and a statesman who were pursuing a narrow and traditional but very intelligible line of policy. The policy was indeed sufficiently ugly even had there been no suspicion of personal corruption; its ugliness could be tested by the fact that even the sanguine and cynical Jugurtha could hardly credit the extent of the good fortune revealed to him by the progress of the negotiations. At first his diplomatic manœuvres had been adopted simply as a means of staying the progress of hostilities, of gaining a breathing space while he renewed his efforts at influencing opinion in the imperial city. But when he saw that the very agents of war were willing to be missionaries of peace, that the avengers sent out by an injured people were ready for conciliation before they had inflicted punishment, he concentrated his efforts on an immediate settlement of the question.[1] It was necessary for the enemy of the Roman people to pass through a preliminary stage of humiliation before he could be recognised as a friend; it was all the more imperative in this case since a number of angry people in Rome were clamouring for Jugurtha's punishment. It was also necessary to arrange a plan by which the humiliation might be effected with the least inconvenience to both parties. An armistice had already been declared as a necessary preliminary to effective negotiations for a surrender. This condition of peace rendered it possible for Jugurtha to be interviewed in person by a responsible representative of the consul.[2] Both the king and the consul were in close touch with one another near the north-western part of the Roman province, and Jugurtha was actually in possession of Vaga, a town only sixty miles south-west of Utica. The town, in spite of its geographical position, was an appanage of the Numidian kingdom,[3] and the pretext under which Bestia sent his quaestor

[1] Sall. *Jug.* 29. 3.

[2] *Ibid.* 29. 4 Interea fidei causa mittitur a consule Sextius quaestor in oppidum Jugurthae Vagam.

[3] P. 316. Vaga (Bêdja) marks the frontier between the Numidian kingdom and the Roman province—the frontier created in 172 B.C. by the invasions of Masinissa and finally fixed in 146 B.C. The town lay on the west of the Wäd Bêdja, which joins the Medjerda, and on the right of the road from Carthage to Bulla Regia. There was another Vaga in the heart of Numidia, between the Ampsaga and Thabraca. See Tissot *Géographie comparée* ii. pp. 6, 302; Wilmanns in C. I. L. viii. p. 154.

to the spot, was the acceptance of a supply of corn which had been demanded of the king as a condition of the truce granted by the consul. The presence of the quaestor at Vaga was really meant as a guarantee of good faith, and perhaps he was regarded as a hostage for the personal security of Jugurtha.[1] Shortly afterwards the king rode into the Roman camp and was introduced to the consul and his council. He said a few words in extenuation of the hostile feeling with which his recent course of action had been received at Rome, and after this brief apology asked that his surrender should be accepted. The conditions, it appeared, were not for the full council; they were for the private ear of Bestia and Scaurus alone.[2] With these Jugurtha was soon closeted, and the final programme was definitely arranged. On the following day the king appeared again before the council of war; the consul pretended to take the opinion of his advisers, but no clear issue for debate could possibly be put before the board; for the gist of the whole proceedings, the recognition of the right of Jugurtha to retain Numidia, was the result of a secret understanding, not of a definite admission that could be blazoned to the world. There was some formal and desultory discussion, opinions on the question of surrender were elicited without any differentiation of the many issues that it might involve, and the consul was able to announce in the end that his council sanctioned the acceptance of Jugurtha's submission.[3] The council, however, had deemed it necessary that some visible proof, however slight, should be given that a surrender had been effected; for it was necessary to convey to the minds of critics at home the impression that some material advantage had been won and that Jugurtha had been humiliated. With this object in view the king was required to hand over something to the Roman authorities. He kept his army, but solemnly transferred thirty elephants, some large droves of cattle and horses, and a small sum of money—the possessions, presumably, which he had ready at hand in his city of Vaga—to the custody of the quaestor of the Roman army.[4] The year meanwhile was drawing to a close, and the consul, now that peace had been restored,

[1] Long *Decline of the Rom. Republic* i. p. 400.

[2] Sall. *Jug.* 29. 5 Rex . . . pauca praesenti consilio locutus de invidia facti sui atque uti in deditionem acciperetur, reliqua cum Bestia et Scauro secreta transigit.

[3] *Ibid.* (Rex) quasi per saturam sententiis exquisitis in deditionem accipitur.

[4] *Ibid.* 29. 6.

quitted his province for Rome to preside at the magisterial elections.[1] The army still remained in the Roman province or in Numidia, but the cessation of hostilities reduced it to a state of inaction which augured ill for its future discipline should it again be called upon to serve.

The agreement itself must have seemed to its authors a triumph of diplomacy. They had secured peace with but an inconsiderable loss of honour; they had saved Rome from a long, difficult and costly war, whilst a modicum of punishment might with some ingenuity be held to have been inflicted on Jugurtha. They must have been astounded by the chorus of execration with which the news of the compact was received at Rome.[2] Nor indeed can any single reason, adequate in itself and without reference to others, be assigned for this feeling of hostility. First, there was the idle gossip of the public places and the clubs—gossip which, in the unhealthy atmosphere of the time, loved to unveil the interested motives which were supposed to underlie the public actions of all men of mark, and which exhibited moderation to an enemy as the crowning proof of its suspicions. Secondly there was the feeling that had been stirred in the proletariate at Rome. The question of Jugurtha, little as they understood its merits, was still to them the great question of the hour, a matter of absorbing interest and expectation. Their feelings had been harrowed by the story of his cruelties, their fears excited by rumours of his power and intentions. They had roused the senate from its lethargy and forced that illustrious body to pursue the great criminal; they had seen a great army quitting the gates of Rome to execute the work of justice; their relatives and friends had been subjected to the irksome duties of the conscription. Everywhere there had been a fervid blaze of patriotism, and this blaze had now ended in the thinnest curl of smoke. But to the masses the imagined shame of the Jugurthine War had now become but a single count in an indictment. The origin of the movement was now but its stimulus; as is the case with most of such popular awakenings, the agitation was now of a wholly illimitable character. The one vivid element in its composition was the memory of the recent past. It was easy to arouse the train of thought that centred

[1] Bestia's presence was necessary at Rome as his colleague Nasica had died during his tenure of the consulship (Cic. *Brut.* 34. 128).

[2] Sall. *Jug.* 30. 1 Postquam res in Africa gestas, quoque modo actae forent fama divolgavit, Romae per omnis locos et conventus de facto consulis agitari. Apud plebem gravis invidia.

round the two Gracchan movements and the terrible moments of their catastrophe. The new movement against the senate was in fact but the old movement in another form. The senate had betrayed the interests of the people; now it was betraying the interests of the empire; but to imagine that the form of the indictment as it appealed to the popular mind was even so definite as this, is to credit the average mind with a power of analysis which it does not, and probably would not wish to, possess. It is less easy to gauge the attitude of the commercial classes in this crisis. Their indignation at the impunity given to Jugurtha after the massacre of the merchants at Cirta is easily understood; but with this class sentiment was wont to be outweighed by considerations of interest, and the preservation of peace in Numidia, and consequently of facilities for trade, must have been the end which they most desired. But perhaps they felt that the only peace which would serve their purposes was one based on a full reassertion of Roman prestige, and perhaps they knew that Jugurtha, the reawakener of the national spirit of the Numidians, would show no friendship to the foreign trader. They must also have seen that, whatever the prospects of the mercantile class under Jugurtha's rule might be, the convention just concluded could not be lasting. Their own previous action had determined its transitory character. By their support of the agitation awakened by Memmius they had created a condition of feeling which could not rest satisfied with the present suspected compromise. But if satisfaction was impossible, a continuance of the war was inevitable. They had before them the prospect of continued unsettlement and insecurity in a fruitful sphere of profit; and they intended to support the present agitation by their influence in the Comitia and, if necessary, by their verdicts in the courts, until a strong policy had been asserted and a decisive settlement attained.

Even before the storm of criticism had again gathered strength, there was great anxiety in the senate over the recent action in Numidia. That body could doubtless read between the lines and see the real motives of policy which had led up to the present compact; they could see that the agreement was a compromise between the views of two opposing sections of their own house; and they must have approved of it in their hearts in so far as it expressed the characteristic objection of the senate as a whole to imperil the security of their imperial system, perhaps even to expose the frontiers

of their northern possessions now threatened by barbarian hordes, through undertaking an unnecessary war in a southern protectorate. But none the less they saw clearly the invidious elements in the recent stroke of diplomacy, the combination of inconsistency and dishonesty exhibited in the comparison between the magnificent preparations and the futile result—a result which, as interpreted by the ordinary mind, made its authors seem corrupt and the senate look ridiculous. Their anxiety was increased by the fact that an immediate decision on their part was imperative. Were they to sanction what had been done, or to refuse to ratify the decision of the consul?[1] The latter was of itself an extreme step, but it was rendered still more difficult by the fact that every one knew that Bestia would never have ventured on such a course had he not possessed the support of Scaurus.[2] To frame a decision which must be interpreted to mean a vote of lack of confidence in Scaurus, was to unseat the head of the administration, to abandon their ablest champion, perhaps to invite the successful attacks of the leaders of the other camp who were lying in wait for the first false step of the powerful and crafty organiser. Again, as in the discussion which had followed the fall of Cirta, the debates in the senate dragged on and there was a prospect of the question being indefinitely shelved—a result which, when the popular agitation had cooled, would have meant the acceptance of the existing state of things. Again the stimulus to greater rapidity of decision was supplied by Memmius. The leader of the agitation was now invested with the tribunate, and his position gave him the opportunity of unfettered intercourse with the people. His *Contiones* were the feature of the day,[3] and these popular addresses culminated in the exhortation which he addressed to the crowd after the return of the unhappy Bestia. His speech[4] shows Memmius to be both the product and the author of the general character which had now been assumed by this long continued agitation on a special point. The golden opportunity had been gained of emphasising anew the fundamental differences of interest between the nobility and the people, of reviewing the conduct of the governing class in its continuous development during

[1] Sall. *Jug.* 30. 1 Patres solliciti erant: probarentne tantum flagitium an decretum consulis subvorterent parum constabat.

[2] *Ibid.* 30. 2 Maxume eos potentia Scauri, quod is auctor et socius Bestiae ferebatur, a vero bonoque impediebat.

[3] *Ibid.* 30. 3.

[4] *Ibid.* 31.

the last twenty years,[1] of pointing out the miserable consequences of uncontrolled power, irresponsibility and impunity. For the purpose of investing an address with the dignity and authority which spring from distant historical allusion, of brightening the prosaic present with something of the glamour of the half-mythical past, even of flattering his auditors with the suggestion that they were the descendants and heirs of the men who had seceded to the Aventine, it was necessary for a popular orator to touch on the great epoch of the struggle between the orders. But Memmius, while satisfying the conditions of his art by the introduction of the subject, uses it only to point the contrast between the epoch when liberty had been won and that wherein it had been lost, or to illustrate the uselessness of such heroic methods as the old secessions as weapons against a nobility such as the present which was rushing headlong to its own destruction. More important was the memory of those recent years which had seen the life of the people and of their champions become the plaything of a narrow oligarchy. The judicial murders that had followed the overthrow of the Gracchi, the spirit of abject patience with which they had been accepted and endured, were the symbol of the absolute impunity of the oligarchy, the source of their knowledge that they might use their power as they pleased. And how had they used it? A general category of their crimes would be misleading; it was possible to exhibit an ascending scale of guilt. They had always preyed on the commonwealth; but their earlier depredations might be borne in silence. Their earlier victims had been the allies and dependants of Rome; they had drawn revenues from kings and free peoples, they had pillaged the public treasury. But they had not yet begun to put up for sale the security of the empire and of Rome itself. Now this last and monstrous stage had been reached. The authority of the senate, the power which the people had delegated to its magistrate, had been betrayed to the most dangerous of foes; not satisfied with treating the allies of Rome as her enemies, the nobility were now treating her enemies as allies.[2] And what was the secret of the uncontrolled power, the shameless indifference to opinion that made

[1] The best manuscripts read *his annis xv* in Sall. *Jug.* 31. 2, but xv may be a mistake for xx, which is the reading of some good ones. Twenty years would carry us back to 131 B.C., approximately the date of the fall of Tiberius Gracchus. The year 126 B.C. which the reading xv gives, can hardly be said to mark an epoch in the decline of the liberties of the people.

[2] Sociis nostris veluti hostibus, hostibus pro sociis utuntur (Sall. *Jug.* 31. 23).

such misdeeds possible? It was to be found partly in the tolerance of the people—a tolerance which was the result of the imposture which made ill-gained objects of plunder—consulships, priesthoods, triumphs—seem the proof of merit. But it was to be found chiefly in the fact that co-operation in crime had been raised to the dignity of a system which made for the security of the criminal. The solidarity of the nobility, its very detachment from the popular interest, was its main source of strength. It had ceased even to be a party; it had become a clique—a mere faction whose community of hope, interest and fear had given it its present position of overweening strength.[1] This strength, which sprang from perfect unity of design and action, could only be met and broken successfully by a people fired with a common enthusiasm. But what form should this enthusiasm assume? Should an adviser of the people advocate a violent resumption of its rights, the employment of force to punish the men who have betrayed their country? No! Acts of violence might indeed be the fitting reward for their conduct, but they are unworthy instruments for the just vengeance of an outraged people. All that we demand is full inquiry and publicity. The secrets of the recent negotiations shall be probed. Jugurtha himself shall be the witness. If he has surrendered to the Roman people, as we are told, he will immediately obey your orders; if he despises your commands, you will have an opportunity of knowing the true nature of that peace and that submission which have brought to Jugurtha impunity for his crimes, to a narrow ring of oligarchs a large increase in their wealth, to the state a legacy of loss and shame.

It was on this happily constructed dilemma that Memmius acted when he brought his positive proposal before the people. It was to the effect that the praetor Lucius Cassius Longinus should be sent to Jugurtha and bring him to Rome on the faith of a safe conduct granted by the State; Jugurtha's revelations were to be the key by which the secret chamber of the recent negotiations was to be unlocked, with the desired hope of convicting Scaurus and all others whose contact with the Numidian king, whether in the late or in past transactions,[2] had suggested their corruption.

[1] Metum ab scelere suo ad ignaviam vostram transtulere, quos omnis eadem cupere, eadem odisse, eadem metuere in unum coegit. Sed haec inter bonos amicitia, inter malos factio est (Sall. *Jug.* 31. 14).

[2] Quo facilius indicio regis Scauri et reliquorum, quos pecuniae captae accersebat (Memmius), delicta patefierent (*Ibid.* 32. 1).

The object of this mission had been rapidly regaining the complete control of Numidia, which had been momentarily shaken by the Roman invasion. The presence of the Roman army, some portion of which was still quartered in a part of his dominions, was no check on his activity; for the absence of the commander, the incapacity and dishonesty of the delegates whom he had left in his place, and the demoralising indolence of the rank and file, had reduced the forces to a condition lower than that of mere ineffectiveness or lack of discipline. The desire of making a profit out of the situation pervaded every grade. The elephants which had been handed over by Jugurtha, were mysteriously restored; Numidians who had espoused the cause of Rome and deserted from the army of the king—loyalists whom, whatever their motives and character, Rome was bound to protect—were handed back to the king in exchange for a price;[1] districts already pacified were plundered by desultory bands of soldiers. The Roman power in Numidia was completely broken when Cassius arrived and revealed his mission to the king. The strange request would have alarmed a timid or ignorant ruler; Jugurtha himself wavered for a moment as to whether he should put himself unreservedly into the power of a hostile people; but he had sufficient imagination and familiarity with Roman life to realise that the principles of international honour that prevailed amongst despotic monarchies were not those of the great Republic even at its present stage, and he professed himself encouraged by the words of the amiable praetor that "since he had thrown himself on the mercy of the Roman people, he would do better to appeal to their pity than to challenge their might".[2] His guide added his own word of honour to that of the Republic, and such was the repute of Cassius that this assurance helped to remove the momentary scruples of the king. Once he was assured of personal safety, Jugurtha's visit to Rome became merely a matter of policy, and his rapid mind must have surveyed every issue depending on his acceptance or refusal before he committed himself to so doubtful a step. His real plan of action is

[1] Alii perfugas vendere (Sall. *Jug.* 32. 3). Long (*Decline of the Rom. Rep.* i. p. 406) thinks that this means that they were sold as slaves. But the words are probably to be brought into connection with the terms of the Mamilian commission (Sall. *Jug.* 40. 1) "qui elephantos quique perfugas tradidissent". Ihne (*Röm. Gesch.* v. p. 131) seems to regard these *perfugae* as Roman subjects who had been handed over by Jugurtha.

[2] Quoniam se populo Romano dedisset, ne vim quam misericordiam ejus experiri mallet (Sall. *Jug.* 32. 5).

unfortunately unknown; for we possess but the barest outline of these incidents, and we have no information on the really vital point whether communications had reached him from his supporters in the capital, which enabled him to predict the course events would take if he obeyed the summons of Cassius. Had such communications reached him, he might have known that the projected investigation would be nugatory. But a failure in the purpose for which he was summoned could convey no benefit to Jugurtha or his supporters; it would simply incense the people and place both the king, and his friends amongst the nobility, in a worse position than before. The course of action, by turns sullen, shifty and impudent, which he pursued at Rome, must have been due to the exigencies of the moment and the frantic promptings of his frightened friends; for it could scarcely have appealed to a calculating mind as a procedure likely to lead to fruitful results. Its certain issue was war; but war could be had without the trouble of a journey to Rome. He had but to stay where he was and decline the people's request, and this policy of passive resistance would have the further merit of saving his dignity as a king. It may seem strange that he never adopted the bold but simple plan of standing up in Rome and telling the whole truth, or at least such portions of the truth as might have satisfied the people. It was a course of action that might have secured him his crown. Doubtless if his transactions with Roman officials had been innocent, the truth, if he adhered to it, might not have been believed; but, if his evidence was damning, the people might well have been turned from the insignificant question "Who was to be King of Numidia?" to the supreme task of punishing the traitors whom he denounced. But we have no right to read Jugurtha's character by the light of the single motive of a self-interest which knew no scruples. He may have had his own ideas of honour and of the protection due to a benefactor or a trusty agent. Self-interest too might in this matter come to the aid of sentiment; for it was at least possible that the popular storm might spend its fury and leave the nobility still holding their ground. So far as we with our imperfect knowledge can discern, Jugurtha could have had no definite plan of action when he consented to take the journey to Rome. But he had abundant prospects, if even he possessed no plan. His presence in the capital was a decided advantage, in so far as it enabled him to confer with his leading supporters, and to attend to a matter

affecting his dynastic interests which we shall soon find arousing the destructive energy which was becoming habitual to his jealous and impatient mind.

When Jugurtha appeared in Rome under the guidance of Cassius, he had laid aside all the emblems of sovereignty and assumed the sordid garb that befitted a suppliant for the mercy of the sovereign people.[1] He seemed to have come, not as a witness for the prosecution, but as a suspected criminal who appeared in his own defence. He was still keeping up the part of one whom the fortune of war had thrown absolutely into the power of the conquering state—a part perhaps suggested by the friendly Cassius, but one that was perfectly in harmony with the pretensions of Bestia and Scaurus. But the heart beneath that miserable dress beat high with hope, and he was soon cheered by messages from the circle of his friends at Rome and apprised of the means which had been taken to baffle the threatened investigation.[2] The senate had, as usual, a tribune at its service. Caius Baebius was the name of the man who was willing to play the part, so familiar to the practice of the constitution, of supporter of the government against undue encroachments on its power and dignity, or against overhasty action by the leaders of the people. The government undoubtedly had a case. It was contrary to all accepted notions of order and decency that a protected king should be used as a political instrument by a turbulent tribune. Memmius had impeached no one and had given no notice of a public trial; yet he intended to bring Jugurtha before a gathering of the rabble and ask him to blacken the names of the foremost men in Rome. It was exceedingly probable that the grotesque proceeding would lead to a breach of the peace; the sooner it was stopped, the better; and, although it was unfortunately impossible to prevent Memmius from initiating the drama by bringing forward his protagonist, the law had luckily provided means for ending the performance before the climax had been reached. It was believed that the sound constitutional views of Baebius were strengthened by a great price paid by Jugurtha,[3] and, if we care to believe one more of those charges of corruption, the multitude of which had not palled even

[1] Sall. *Jug.* 33. 1.

[2] Confirmatus ab omnibus, quorum potentia aut scelere cuncta ea gesserat quae supra diximus (*Ibid.* 33. 2).

[3] *Ibid.* 33. 2 (Jugurtha) C. Baebium tribunum plebis magna mercede parat, cujus inpudentia contra jus et injurias omnis munitus foret.

on the easily wearied mind of the lively Roman, it is possible to imagine that the implicated members of the senate, in whose interest far more than in that of Jugurtha Baebius was acting, had persuaded the king that it was to his advantage to make the gift.

The eagerly awaited day arrived, on which the scandal-loving ears of the people were to be filled to the full with the iniquities of their rulers, on which their long-cherished suspicions should be changed to a pleasantly anticipated certainty. Memmius summoned his Contio and produced the king. Even the suppliant garb of Jugurtha did not save him from a howl of execration. From the tribunal, to which he had been led by the tribune, he looked over a sea of angry faces and threatening hands, while his ears were deafened by the roar of fierce voices, some crying that he should be put in bonds, others that he should suffer the death of the traitor if he failed to reveal the partners of his crimes.[1] Memmius, anxious for the dignity of his unusual proceedings which were being marred by this frantic outburst, used all his efforts to secure order and a patient hearing, and succeeded at length in imposing silence on the crowd—a silence which perhaps marked that psychological moment when pent up feeling had found its full expression and passion had given way to curiosity. The tribune also vehemently asserted his intention of preserving inviolate the safe conduct which had been granted by the State. He then led the king forward[2] and began a recital of the catalogue of his deeds. He spared him nothing; his criminal activity at Rome and in Numidia, his outrages on his family—the whole history of that career, as it continued to live in the minds of democrats, was fully rehearsed. He concluded the story, which he assumed to be true, by a request for the important details of which full confirmation was lacking. "Although the Roman people understood by whose assistance and ministry all this had been done, yet they wished to have their suspicions finally attested by the king. If he revealed the truth, he could repose abundant hope on the honour and clemency of the Roman people; if he refused to speak, he would not help the partners of his guilt, but his silence would ruin both himself and his future." Memmius ceased and asked the king for a reply; Baebius stepped forward and ordered the king to be

[1] Sall. *Jug.* 33. 3.

[2] Producto Jugurtha (*Ibid.* 33. 4) *i.e.* led him to the front of the tribunal, or the Rostra if the scene took place in the Forum.

silent.[1] The voice of Jugurtha could legally find utterance only through the will of the magistrate who commanded; it was stifled by the prohibition of the colleague who forbade. The people were in the presence of one of those galling restraints on their own liberty to which the jealousy of the magistracy, expressed in the constitutional creations of their ancestors, so often led. Baebius was immediately subjected to the terrorism which Octavius, his forerunner in tribunician constancy, had once withstood. The frantic mob scowled, shouted, made rushes for the tribunal, and used every effort short of personal assault which anger could suggest, to break the spirit of the man who balked their will. But the resolution—or, as his enemies said, the shamelessness[2]—of Baebius prevailed. The multitude, tricked of its hopes, melted from the Forum in gloomy discontent. It is said that the hopes of Bestia and his friends rose high.[3] Perhaps they had lived too long in security to realise the danger threatened by a disappointed crowd that might meet to better purpose some future day; that had gained from the insulting scene itself an embittered confirmation of its views, with none of the softening influence which springs from a curiosity completely satiated; that, as an assembly of the sovereign people, might at any moment avenge the latest outrage which had been inflicted on its dignity.

Jugurtha had, perhaps through no fault of his own, sorely tried the patience of the people on the one occasion on which, as a professed suppliant, he had come into contact with his sovereign. He was now, on his own initiative, to try it yet further, and to test it in a manner which aroused the horror and resentment of many who did not share the views of Memmius. The king was not the only representative of Masinissa's house at present to be found in Rome. There resided in the city, as a fugitive from his power, his cousin Massiva, son of Gulussa and grandson of Masinissa. It is not known why this scion of the royal house had been passed over in the regulation of the succession, although it is easily intelligible that Micipsa, with two sons of his own, might not have wished to increase the number of co-regents of Numidia by recognising his brother's heirs, and would not have done so had he not been forced by circumstances to adopt Jugurtha.[4] During the early struggles between the three kings, Massiva had attached himself to the party of Hiempsal and

[1] Regem tacere jubet (Sall. *Jug.* 34. 1).
[2] Vicit tamen inpudentia (*Ibid.*). [3] *Ibid.* 34. 2. [4] *Cf.* p. 323.

Adherbal, and had thus incurred Jugurtha's enmity; but he had continued to live in Numidia as long as there was any hope of the continuance of the dual kingship. The fall of Cirta and the death of Adherbal had forced him to find a refuge at Rome, where he continued to reside in peace until fate suddenly made him a pawn in the political game. At last there had arisen a definite section amongst the nobility which found it to its interest to offer an active opposition to Jugurtha's claims. The consuls who succeeded Bestia and Nasica, were Spurius Albinus and Quintus Minucius Rufus. The latter had won the province of Macedonia and the protection of the north-eastern frontier; to the former had fallen Numidia and the conduct of affairs in Africa. The fact that the senate had declared Numidia a consular province before the close of the previous year, was the ostensible proof that they had yielded to the pressure applied by Memmius and nominally at least repudiated the pacification effected by Bestia and Scaurus. But the rejection of this arrangement seems never to have been officially declared; there was still a chance of the recognition of Jugurtha's claims, and of the governor of Numidia being assigned the inglorious function of seeing to the restoration of the king and then evacuating his territory. Such a modest *rôle* did not at all harmonise with the views of Albinus. He wished a real command and a genuine war; but it was not easy to wage such a war as long as Jugurtha was the only candidate in the field. Even if his surrender were regarded as fictitious and the war were resumed on that ground, it was difficult to assign it an ultimate object, since the senate had no intention of making Numidia a province. But the object which would make the war a living reality could be secured, if a pretender were put forward for the Numidian crown; and such a pretender Albinus sought in the scion of Masinissa's race now resident in Rome, whose birth gave him a better hereditary claim than Jugurtha himself. The consul approached Massiva and urged him to make a case out of the odium excited and the fears inspired by Jugurtha's crimes, and to approach the senate with a request for the kingdom of Numidia.[1] The prince caught at the suggestion, the petition was prepared, and this new and unexpected movement began to make itself felt. Jugurtha's fear and anger were increased by the sudden discovery that his friends at Rome were almost powerless to help him. They

[1] Sall. *Jug.* 35. 2. It is not impossible that he may have been mentioned as one of the supplementary heirs in Micipsa's will. See p. 323.

could not parade a question of principle when it came to persons; a kingdom in Numidia was more easily defended than its king; every act of assistance which they rendered plunged them deeper in the mire of suspicion; it was a time to walk warily, for those who had no judge in their own conscience found one in the keen scrutiny of a hostile world. But the danger was too great to permit Jugurtha to relax his efforts through the failure of his friends. He appealed to his own resources, which consisted of the passive obedience of his immediate attendants and the power of his purse. To Bomilcar his most trusted servant he gave the mission of making one final effort with the gold which had already done so much. Men might be hired who would lie in wait for Massiva. If possible, the matter was to be effected secretly. If secrecy was impossible, the Numidian must yet be slain. His death was deserving of any risk. Bomilcar was prompt in carrying out his mission. A band of hired spies watched every movement of Massiva. They learnt the hours at which he left and returned to his home; the places he visited, the times at which his visits were paid. When the seasonable hour arrived, the ambush was set by Bomilcar. The elaborate precautions which had been taken proved to have been thrown away; the assassin who struck the fatal blow was no adept in the art of secret killing. Hardly had Massiva fallen when the alarm was given and the murderer seized.[1] The men who had an interest in Massiva's life were too numerous and too great to make it possible for the act to sink to the level of ordinary street outrages, or for the assassin caught red-handed to be regarded as the sole author of the crime. The consul Albinus amongst others pressed the murderer to reveal the instigator of the deed, and the senate must have promised the immunity that was sometimes given to the criminal who named his accomplices. The man named Bomilcar, who was thereupon formally arraigned of the murder and bound over to stand his trial before a criminal court. Even this step was taken with considerable hesitation, for it was admitted that the safe-conduct which protected Jugurtha extended to his retinue.[2] The king and his court were strictly speaking extra-territorial, and the strict letter of international law would have handed Bomilcar over for trial by his sovereign. But it was felt that a departure from custom was a less

[1] Sall. *Jug.* 35. 6.

[2] *Ibid.* 35. 7 Fit reus magis ex aequo bonoque quam ex jure gentium Bomilcar, comes ejus qui Romam fide publica venerat.

evil than to allow such an outrage to remain unpunished, and it was easier to satisfy the popular conscience by finding Bomilcar guilty than to fix the crime on the man whom every one named as its ultimate author. Jugurtha himself was inclined for a time to acquiesce in this view; he regarded the trial of his favourite as inevitable and furnished fifty of his own acquaintances who were willing to give bail for the appearance of the accused. But, reflection convinced him that the sacrifice was unnecessary; his name could not be saved by Bomilcar's doom, and no influence or wealth could create even a pretence at belief in his own innocence. His standing in Rome was gone, and this made him the more eager to consider his standing as King of Numidia. If Bomilcar were sacrificed, his powerlessness to protect the chief member of his retinue might shake the allegiance of his own subjects.[1] He therefore smuggled his accused henchman from Rome and had him conveyed secretly to Numidia. This, of all Jugurtha's acts of perfidy perhaps the mildest and most excusable, in spite of the awkward predicament in which it left the fifty securities, was the last of the baffling incidents that had been crowded into his short sojourn at Rome. His presence must have been an annoyance to every one. He had exhausted his friends, had failed to serve the purposes of the opposition leader, and had inspired in the senate memories and anticipations which they were willing to forget. When that body ordered him to quit Italy it must have expressed the wish of every class. Within a few days of Bomilcar's disappearance the king himself was leaving the gates. It is said that he often turned and took a long and silent look at the distant town, and that at last the words broke from him "A city for sale and ripe for ruin, if only a purchaser can be found!"[2]

The departure of Jugurtha implied the renewal of the war. The compact made with Bestia and Scaurus had been tacitly, if not formally, repudiated by the senate, and the fiction that Jugurtha had surrendered, although it had played its part in the negotiations which brought him to Rome, disappeared with the compact. Since, however, the right of Jugurtha to retain Numidia, which was the objectionable element in the late agreement, seems to have been implied rather than expressed, it may have seemed possible to take the view that Jugurtha's surrender was unconditional, and that the war was now the pursuit of an escaped prisoner of Rome. Such a

[1] Sall. *Jug.* 35. 9.
[2] Urbem venalem et mature perituram, si emptorem invenerit! (*Ibid.* 35. 10).

conception was absolutely worthless so far as most of the practical difficulties of the task were concerned; for, whether Jugurtha was an enemy or a rebel, he was equally difficult to secure; but it may have had a considerable influence on the principles on which the Numidian war was now to be conducted, and we shall find on the part of Rome a growing disinclination to give Jugurtha the benefits of those rules of civilised warfare of which she generally professed a scrupulous observance in the letter if not in the spirit. The object of the war was, through its very simplicity, extraordinarily difficult of attainment. It was neither more nor less than the seizure of the person of Jugurtha. Numidia had no common government and no unity but those personified in its king, and the conquest of fragments of the country would be almost useless until the king was secured. The hope of setting up a rival pretender, whose recognition by Rome might have enabled organisation to keep pace with conquest, had perished with the murder of Massiva,[1] although it is very questionable whether the name even of the son of the warlike Gulussa would have detached any of the military strength of Numidia from a monarch who had stirred the fighting spirit of the nation and was regarded as the embodiment of its manliest traditions. The outlook of the consul Albinus, the new organiser of the war on the Roman side, was indeed a poor one, and it was made still poorer by the fact that a considerable portion of his year of office had already lapsed, and the events of his campaign must of necessity be crowded into the few remaining months of the summer and the early autumn. Had there been any spirit of self-sacrifice in Roman commanders, or any true continuity in Roman military policies, Albinus might have set himself the useful task of organising victory for his successors; yet he cannot be wholly blamed for the hope, wild and foolish as it seems, of striking some decisive blow in the narrow time allowed him.[2] The military operations of the war at this stage become almost wholly subordinate to political considerations. Senate and consuls were being swept off their feet and forced into a disastrous celerity or superficiality of action by the

[1] There was still an heir in Gauda—one too who had been recognised in the testament of Micipsa (p. 323); but he may not have been regarded as a suitable candidate.

[2] Sall. *Jug.* 36. 1 Albinus renovato bello commeatum, stipendium, aliaque, quae militibus usui forent, maturat in Africam portare, ac statim ipse profectus, uti ante comitia, quod tempus haud longe aberat, armis aut deditione aut quovis modo bellum conficeret.

growing tide of indignation which animated commons and capitalists alike; and the feeling that something decisive must be accomplished for the satisfaction of public opinion, was supplemented by the lower but very human consideration that a general must seem to have attained some success if he hoped to have his command prolonged for another year. The senate, it is true, might have insight enough to see that success in a war such as that in Numidia could not be gauged by the brilliance of the results obtained; but how were they to defend their verdict to the people unless they could point to exploits such as would dazzle the popular eye? But although a feverish policy seemed the readiest mode of escape from public suspicion or inglorious retirement, it had its own particular nemesis, of which Albinus seemed for the moment to be oblivious. To finish the war in a short time meant to finish it by any means that came to hand. But, if a striking victory did not surrender Jugurtha into the hands of his conqueror—and even the most glorious victory did not under the circumstances of the war imply the capture of the vanquished—what means remained except negotiation and the voluntary surrender of the king?[1] Such means had been employed by Bestia, and every one knew now with what result. The policy of haste might breed more suspicion and bitterness than the most desultory conduct of the campaign.

Albinus made rapid but ample preparation of supplies, money and munitions of war, and hurried off to the scene of his intended successes. The army which he found must have been in a miserable condition, if we may judge by the state which the last glimpse of it revealed;[2] but his fixed intention of accomplishing something, no matter what, must have rendered adequate re-organisation impossible, and he took the field against Jugurtha with forces whose utter demoralisation was soon to be put to a frightful test. The war immediately assumed that character of an unsuccessful hunt, varied by indecisive engagements and fruitless victories, which it was to retain even under the guidance of the ablest that Rome could furnish. Jugurtha adhered to his inevitable plan of a prolonged and desultory campaign over a vast area of country; the size and physical character of his kingdom, the extraordinary mobility of his troops, the credulity and anxious ambition of his opponent, were all elements of strength which he used with consummate skill. He retired before

[1] *Cf.* Sall. *Jug.* 38. 1 (quoted p. 366) Armis aut deditione aut quovis modo.
[2] P. 358.

the threatening column; then, that his men might not lose heart, he threw himself with startling suddenness on the foe; at other times he mocked the consul with hopes of peace, entered into negotiations for a surrender and, when he had disarmed his adversary by hopes, suddenly drew back in a pretended access of distrust. The futility of Albinus's efforts was so pronounced—a futility all the more impressive from the intensity of his preparations and his excessive eagerness to reach the field of action—that people ignorant of the conditions of the campaign began again to whisper the perpetual suspicion of collusion with the king.[1] The suspicion might not have been avoided even by a commander who declined negotiation; but Albinus's case had been rendered worse by his unsuccessful efforts to play with a master of craft, and it was with a reputation greatly weakened from a military, and slightly damaged from a moral, point of view that he brought the campaign to a close, sent his army into winter quarters, and left for Rome to preside at the electoral meetings of the people.[2] The Comitia for the appointment of the consuls and the praetors were at this time held during the latter half of the year, but at no regular date, the time for their summons depending on the convenience of the presiding consul and on his freedom from other and more pressing engagements.[3] Albinus may have arrived in Rome during the late autumn. Had he been able to get the business over and return to Africa for the last month or two of the year, his conduct of the war might have been considered ineffective but not disastrous, and the senate might have been spared a problem more terrible than any that had yet arisen out of its relations with Jugurtha. For Albinus, though sanguine and unpractical, seems to have been reasonably prudent, and he might have handed over an army, unsuccessful but not disgraced, and recruited in strength by its long winter quarters, to the care of a more fortunate successor. But, as it happened, every public department in Rome was feeling the strain caused by a minor constitutional crisis which had arisen amongst the magistrates of the Plebs. The sudden revival of the people's aspirations had doubtless led to a certain amount of misguided ambition on the

[1] Sall. *Jug.* 36. 3 Ac fuere qui tum Albinum haud ignarum consili regis existumarent, neque ex tanta properantia tam facile tractum bellum socordia magis quam dolo crederent.

[2] His colleague Quintus Minucius Rufus was making war with the barbarians of Thrace (Liv. *Ep.* lxv; Vellei. ii. 8; Florus i. 39 (iii. 4); Eutrop. iv. 27).

[3] See p. 264, and *cf.* Meinel *Zur Chronologie des Jug. Krieges* p. 11.

part of some of its leaders, and the tribunate was now the centre of an agitation which was a faint counterpart of the closing scenes in the Gracchan struggles. Two occupants of the office, Publius Lucullus and Lucius Annius, were attempting to secure re-election for another year. Their colleagues resisted their effort, probably on the ground that the conditions requisite for re-election were not in existence,[1] and this conflict not merely prevented the appointment of plebeian magistrates from being completed, but stayed the progress of the other elective Comitia as well.[2] The tribunes, whether those who aimed at re-election or those who attempted to prevent it, had either declared a *justitium* or threatened to veto every attempt made by a magistrate of the people to hold an electoral assembly; and the consequence of this impasse was that, when the year drew to a close,[3] no new magistrates were in existence and the consul Albinus was still absent from his African command.

Unfortunately the absence of the proconsul, as Albinus had now become in default of the appointment of a successor, did not have the effect of checking the enterprise of the army. It was now under the authority of Aulus Albinus, to whom his brother had delegated the command of the province and the forces during his stay at Rome. The stimulus which moved Aulus to action is not known. The unexpected duration of his temporary command may have familiarised him with power, stimulated his undoubted confidence in himself, and suggested the hope that by one of those unexpected blows, with which the annals of strategic genius were filled, he might redeem his brother's reputation and win lasting glory for himself. Others believed that the perpetually suspected motive of cupidity was the basis of his enterprise, that he had no definitely conceived plan of conquest, but intended by the terror of a military demonstration to exact money from Jugurtha.[4] If the latter view was correct, it is possible that Aulus imagined himself to be acting in the interest of his army as well as of himself. The long winter quarters may have betrayed a deficiency in pay and provisions, and if Jugurtha purchased the security of a district, its immunity would be too public an event to make it

[1] P. 165.

[2] Quae dissensio totius anni comitia inpediebat (Sall. *Jug.* 37. 2).

[3] The tribunician year ended with 9th December, but it is not likely that the consuls of 109, Metellus and Silanus, were elected between this date and 1st January of 109. Had they been, Metellus would have held Numidia and Sp. Albinus would not have been allowed to return there.

[4] Sall. *Jug.* 37. 3.

possible for the commander of the attacking forces to pocket the whole of the ransom.

It was in the month of January, in the very heart of a severe winter, that Aulus summoned his troops from the security of their quarters to a long and fatiguing march. His aim was Suthul, a strongly fortified post on the river Ubus, nearly forty miles south of Hippo Regius and the sea, and so short a distance from the larger and better-known town of Calama, the modern Gelma, that the latter name was sometimes used to describe the scene of the incidents that followed.[1] We are not told the site of the winter quarters from which the march began; but the ineffectiveness of the former campaign and the caution of Albinus, who did not mean his legions to fight during his absence, might lead us to suppose that the troops had been quartered in or near the Roman province; and in this case Aulus might have marched along the valley of the Bagradas to reach his destined goal, which would finally have been approached from the south through a narrow space between two ranges of hills, the westernmost of which was crowned at its northern end by the fortifications of Suthul. This was reported to be the chief treasure-city of Jugurtha; could Aulus capture it, or even bargain for its security with the king, he might cripple the resources of the Numidian monarch and win great wealth for himself and his army. By long and fatiguing marches he reached the object of his attack, only to discover at the first glance that it was impregnable—nay even, as a soldier's eye would have seen, that an investment of the place was utterly impossible.[2] The rigour of the season had aggravated the difficulties presented by the site. Above towered the city walls perched on their precipitous rock; below was the alluvial plain which the deluging rains of a Numidian winter had turned into a swamp of liquid mud. Yet Aulus, either dazzled by the vision of the gold concealed within the fortress which it had caused him such labour to reach, or with some vague idea that a pretence at an investment might alarm the king into coming to terms for the protection of his hoard, began to make formal preparations for a siege, to bring up

[1] There is little probability that the Calama (Gelma) of Orosius (v. 15) and the Suthul of Sallust are identical. Those who have visited the site of Gelma deny that Sallust's description suits this region and think that Suthul was a place near by. Grellois (*Ghelma* pp. 263 foll.) thinks that Suthul may be placed on a site where now stands the village of Henschir Ain Neschma, one hour's distance from Gelma. See Wilmanns in C. I. L. viii. p. 521.

[2] Sall. *Jug.* 37. 4.

mantlets, to mark out his lines of circumvallation;[1] to deceive his enemy, if he could not deceive himself, into a belief that the conditions rendered an attack on Suthul possible.

It is needless to say that Jugurtha knew the possibilities of his treasure-city far better than its assailant. But the simple device of Aulus was admirably suited to his plans. Humble messages soon reached the camp of the legate; the missives of every successive envoy augmented his illusion and stirred his idle hopes to a higher pitch. Jugurtha's own movements began to give proof of a state of abject terror. So far from coming to the relief of his threatened city, he drew his forces farther away into the most difficult country he could find, everywhere quitting the open ground for sheltered spots and mountain paths. At last from a distance he began to hold out definite hopes of an agreement with Aulus. But it was one that must be transacted personally and in private. The plain round Suthul was much too public a spot; let the legate follow the king into the fastnesses of the desert and all would be arranged. The legate advanced as the king retired; but at every point of the difficult march Numidian spies were hovering around the Roman column. The disgust of the soldiers at the hardships to which they had been submitted in the pursuit of this phantom gold, the last evidence of which had vanished when their commander turned his back on the walls of Sūthul, now resulted in a frightful state of demoralisation. The lower officers in authority, centurions and commanders of squadrons of horse, stole from the camp to hold converse with Jugurtha's spies; some sold themselves to desert to the Numidian army, others to quit their posts at a given signal. The mesh was at last prepared. On one dark night, at the hour of the first sleep when attack is least suspected, the camp of Aulus was suddenly surrounded by the Numidian host. The surprise was complete. The Roman soldiers, in the shock of the sudden din, were utterly unnerved. Some groped for their arms; others cowered in their tents; a few tried to create some order amongst their terror-stricken comrades. But nowhere could a real stand be made or real discipline observed. The blackness of the night and the heavy driving clouds prevented the numbers of the enemy from being seen, and the size of the Numidian host, large in itself, was perhaps increased by a terrified imagination. It was difficult

[1] Vineas agere, aggerem jacere, aliaque quae incepto usui forent properare (Sall. *Jug.* 37. 4).

to say on which side the greater danger lay. Was it safer to fly into darkness and some unknown ambush or to keep one's ground and meet the approaching enemy? The evils of preconcerted treachery were soon added to those of surprise. The defections were greatest amongst the auxiliary forces. A cohort of Ligurian infantry with two squadrons of Thracian cavalry deserted to the king. Their example was followed by but a handful of the legionaries; but the fatal act of treason was committed by a Roman centurion of the first rank. He let the Numidians through the post which he had been given to defend, and through this ingress they poured to every part of the camp. The panic was now complete; most of the Romans threw their arms away and fled from slaughter to the temporary safety of a neighbouring hill. The early hour at which the attack had been made, prevented an effective pursuit, for there was much of the night yet to run; and the Numidians were also busied with the plunder of the camp. The dawn of day revealed the hopelessness of the Roman position and forced Aulus into any terms that Jugurtha cared to grant. The latter adopted the language of humane condescension. He said that, although he held the Roman army at his mercy, certain victims of famine or the sword, yet he was not unmindful of the mutability of human fortune, and would spare the lives of all his prisoners, if the Roman commander would make a treaty with him.[1] The army was to pass under the yoke; the Romans were to evacuate Numidia within ten days. The degrading terms were accepted; an army that before its defeat had numbered forty thousand men,[2] passed under the spear that symbolised their submission and disgrace, and peace reigned in Numidia—a peace which lacked no element of shame, dictated by a client king to the sovereign that had decreed his chastisement.

The Roman public had become so familiar with discredit as to be in the habit of imagining it even when it did not exist; but humiliation exhibited in an actual disaster on this colossal scale was sufficiently novel to stir the people to the profoundest depths of grief and fear.[3] To men who thought only of the empire, its glory seemed to be extinguished by the fearful blow; but many of the masses, who knew nothing of war or of Rome's relations with

[1] Sall. *Jug.* 38. 9. The treaty perhaps gave to Jugurtha a specific guarantee of the undisturbed possession of Numidia.

[2] Oros. v. 15.

[3] Sall. *Jug.* 39. 1.

peoples beyond the seas, were filled with a fear too personal to permit their thoughts to dwell solely on the loss of honour. To yet another class, whose knowledge exempted them from such idle terror, the army seemed more than the empire. Rome had not yet learnt to fight with mercenary forces; and the men who had seen service formed a considerable element in the Roman proletariate. Such veterans, especially those whose repute in war could give their words an added point, were unmeasured in their condemnation of the conduct of Aulus. The general had had a sword in his hand; yet he had thought a disgraceful capitulation his only means of deliverance. On no side could a word be heard in defence of the action of the unhappy commander. The blessings of the wives and children of the men whom Aulus's treaty had saved were, if breathed, apparently smothered under a weight of patriotic execration.

The feeling of insecurity must have been rendered greater by the fact that the State still lacked an official head, and the African dependencies possessed no governor in whom any confidence could be reposed. The year must have opened with a series of *interregna*, since no consuls had been elected to assume the government on the 1st of January; Numidia had again been made by senatorial decree a consular province; but since no consul existed to assume the administration, Albinus was still in command of the African army.[1] It was the painful duty of the ex-consul to raise in the senate the question of the ratification of his brother's treaty. Even he could never have attempted to defend it; his dominant feeling was an overwhelming sense of the weight of undeserved ignominy under which he lay, tempered by an undercurrent of fear as to the danger that might follow in the track of the universal disfavour with which he and his brother were regarded. The action that he took even before the senate's opinion was known, was a proof that he regarded the continuance of the war as inevitable. He relieved his mind and sought to restore his credit by pushing on military preparations with a fevered energy; supplementary drafts for the African army were raised from the citizens; auxiliary cohorts were demanded of the Latins and Italian allies. While these measures were in progress, the judgment of the senate was given to the world. It was a judgment based on the often-repeated maxim that no legitimate treaty could be concluded without the consent of the senate and

[1] Sallust (*Jug.* 39.2) improperly calls him *consul*. The only position which he held now was that of proconsul of Numidia.

people.[1] It was a decision that recalled the days of Numantia or the more distant history of the Caudine Forks; but the formal sacrifice that followed and was thought to justify those famous instances of breach of contract, was no longer deemed worthy of observance, and Aulus was not surrendered to the vengeance or mercy of the foe with whom he had involuntarily broken faith. This summary invalidation of the treaty may have been the result of a deduction drawn from the peculiar circumstances which had preceded the renewal of the war—circumstances which, as we have seen,[2] might be twisted to support the view that Jugurtha was not an independent enemy of Rome and was, therefore, not entitled to the full rights of a belligerent.

The senate's decision left Albinus free to act and to make use of the new military forces that he had so strenuously prepared. But a sudden hindrance came from another quarter. Some tribunes expressed the not unreasonable view that a commander of Albinus's record should not be allowed to expose Rome's last resources to destruction. Had they meant him to remain in command, their attitude would have been indefensible; but, when they forbade him to take the new recruits to Africa,[3] they were merely reserving them for a more worthy successor. Albinus, however, meant to make the most of his limited tenure. He had his own and his brother's honour to avenge, and within a few days of the senate's decree permitting a renewal of the war, he had taken ship for the African province, where the whole army, withdrawn from Numidia in accordance with the compact, was now stationed in winter quarters. For a time his burning desire to clear his name made him blind to the defects of his forces; he thought only of the pursuit of Jugurtha, of some vigorous stroke that might erase the stain from the honour of his family. But hard facts soon restored the equilibrium of his naturally prudent soul. The worst feature of the army was not that it had been beaten, but that it had not been commanded. The reins of discipline had been so slack that licence and indulgence had sapped its fighting strength. The tyranny of circumstances demanded a peaceful sojourn in the province, and Albinus resigned himself to the inevitable.

At Rome meanwhile the movement for inquiry that had been

[1] Senatus ita uti par fuerat decernit, suo atque populi injussu nullum potuisse foedus fieri (Sall. *Jug.* 39. 3).

[2] P. 366.

[3] Sall. *Jug.* 39. 4.

stayed for the moment by the co-operation of Jugurtha and his senatorial friends, and by the obstructive attitude of Baebius, had been resumed with greater intensity and promise of success. It did not need the disaster of Aulus to re-awaken it to new life. That disaster no doubt accelerated its course and invested it with an unscrupulous thoroughness of character that it might otherwise have lacked; but the movement itself had perhaps taken a definite shape a month before the result of Aulus's experiment in Numidia was known, and was the natural result of the feeling of resentment which the conspiracy of silence had created. It now assumed the exact and legal form of the demand for a commission which should investigate, adjudicate and punish. The leaders of the people had conceived the bold and original design of wresting from the hands, and directing against the person, of the senate the powerful weapon with which that body had so often visited epidemics of crime or turbulence that were supposed to have fastened on the helpless proletariate. Down to this time special commissions had either been set up by the co-operation of senate and people, or had, with questionable legality, been established by the senate alone. The commissioners, who were sometimes consuls, sometimes praetors, had, perhaps always but certainly in recent history, judged without appeal; and in the judicial investigations which followed the fall of the Gracchi, the people had had no voice either in the appointment of the judge or in the ratification of the sentence which he pronounced. Now the senate as a whole was to be equally voiceless; it was not to be asked to take the initiative in the creation of the court, the penalties were to be determined without reference to its advice, and although the presidents would naturally be selected from members of the senatorial order, if they were to be chosen from men of eminence at all, these presidents were to be merely formal guides of the proceedings, like the praetor who sat in the court which tried cases of extortion, and the verdict was to be pronounced by judges inspired by the prevailing feeling of hostility to the crimes of the official class.

Caius Mamilius Limetanus, who proposed and probably aided in drafting this bill, was a tribune who belonged to the college which perhaps came into office towards the close of the month of December which had preceded the recent disaster in Numidia.[1] The bill, the promulgation of which was probably one of the first acts of his

[1] See p. 369.

tribunate, proposed "that an inquiry should be directed into the conduct of all those individuals, whose counsel had led Jugurtha to neglect the decrees of the senate, who had taken money from the king whether as members of commissions or as holders of military commands, who had handed over to him elephants of war and deserters from his army; lastly, all who had made agreements with enemies of the State on matters of peace or war".[1] The comprehensive nature of the threatened inquiry spread terror amongst the ranks of the suspected. The panic was no sign of guilt; a party warfare was to be waged with the most undisguised party weapons; and mere membership of the suspected faction aroused fears almost as acute as those which were excited by the consciousness of guilt. There was a prospect of rough and ready justice, where proof might rest on prepossession and verdicts be considered preordained. The bitterness of the situation was increased by the impossibility of open resistance to the measure; for such a resistance would imply an unwillingness to submit to inquiry, and such a refusal, invidious in itself, would fix suspicion and be accepted as a confession of misdeeds which could not bear the light of investigation. With the city proletariate against them, the threatened members of the aristocracy could look merely to secret opposition by their own supporters, and to such moderate assistance as was secured by the friendly attitude which their recent agrarian measures had awakened in the Latins and Italian allies.[2] But the latter support was moral rather than material, or if it became effective, could only secure this character by fraud. The allies, whom the senate had driven from Rome by Pennus's law,[3] were apparently to be invited to flood the *contiones* and raise cries of protest against the threatened indictment. But this device could only be successful in the preliminary stages of the agitation. The Latins possessed but few votes, the Italians none, and personation, if resorted to, was not likely to elude the vigilance of the hostile presidents of the tribunician assembly, or, if undetected, to be powerful enough to turn the scale in favour of the aristocracy. For the unanimity of opposition which the nobility now encountered in the citizen body, was almost unexampled. The differences of interest which sometimes separated the country from the city voters, seem now to have been forgotten. The tri-

[1] Sall. *Jug.* 40. 1. *Cf.* p. 358, note 1.

[2] Occulte per amicos ac maxume per homines nominis Latini et socios Italicos inpedimenta parabant (*Ibid.* 40. 2). For the later relations of the government with the Latins and allies see p. 288.

[3] P. 166.

bunes found no difficulty in keeping the agitation up to fever-heat, and its permanence was as marked as its intensity. The crowds that acclaimed the proposal, were sufficiently in earnest to remain at Rome and vote for it; the emphasis with which the masses assembled at the final meeting, "ordered, decreed and willed" the measure submitted for their approval, was interpreted (perhaps rightly) as a shout of triumphant defiance of the nobility, not as a vehement expression of disinterested affection for the State.[1] The two emotions were indeed blended; but the imperial sentiment is oftenest aroused by danger; and the individuals who have worked the mischief are the concrete element in a situation, the reaction against which has roused the exaltation which veils vengeance and hatred under the names of patriotism and justice.

When the measure had been passed, it still remained to appoint the commissioners. This also was to be effected by the people's vote, and never perhaps was the effect of habit on the popular mind more strikingly exhibited than when Scaurus, who was thought to be trembling as a criminal, was chosen as a judge.[2] The large personal following, which he doubtless possessed amongst the people, must have remained unshaken by the scandals against his name; but the reflection amongst all classes that any business would be incomplete which did not secure the co-operation of the head of the State, was perhaps a still more potent factor in his election. Never was a more splendid testimonial given to a public man, and it accompanied, or prepared the way for, the greatest of all honours that it was in the power of the Comitia to bestow—the control of morals which Scaurus was in that very year to exercise as censor.[3] The presence of the venerable statesman amongst the three commissioners created under the Mamilian law, could not, however, exercise a controlling influence on the judgments of the special tribunal. Such an influence was provided against by the very structure of the new courts. The three commissioners were not to judge but merely to preside; for in the constitution of this commission the new departure was taken of modelling it on the pattern of the newly established standing courts, and the judges who gave an uncontrolled and final verdict were men selected on the same qualifications as those which

[1] Sed plebes incredibile memoratu est quam intenta fuerit quantaque vi rogationem jusserit, magis odio nobilitatis cui mala illa parabantur, quam cura rei publicae: tanta lubido in partibus erat (Sall. *Jug.* 40. 3).

[2] *Ibid.* 40. 4. [3] [Victor] *de Vir. Ill.* 72; Plut. *Quaest. Rom.* 50.

produced the Gracchan jurors, and were perhaps taken from the list already in existence for the trial of cases of extortion. The knights were, therefore, chosen as the vehicle for the popular indignation, and the result justified the choice. The impatience of a hampered commerce, and perhaps of an outraged feeling of respectability, spent itself without mercy on the devoted heads of some of the proudest leaders of the faction that had so long controlled the destinies of the State. Expedition in judgment was probably secured by dividing the commissioners into three courts, each with his panel of *judices* and all acting concurrently. It was still more effectually secured by the mode in which evidence was heard, tested and accepted, and by the scandalous rapidity with which judgment was pronounced. The courts were influenced by every chance rumour and swayed by the wild caprices of public opinion. No sane democrat could in the future pretend to regard the Mamilian commission as other than an outrage on the name of justice; to the philosophic mind it seemed that a sudden turn in fortune's wheel had brought to the masses the same intoxication in the sense of unbridled power that had but a moment before been the disgrace of the nobility.[1] An old score was wiped off when Lucius Opimius, the author of the downfall of Caius Gracchus, was condemned. Three other names completed the tale of victims who had been rendered illustrious by the possession of the consular *fasces*. Lucius Bestia was convicted for the conclusion of that dark treaty with Jugurtha, although his counsellor Scaurus had been elevated to the Bench. Spurius Albinus fell a victim to his own caution and the blunder of his too-enterprising brother; the caution was supposed to have been purchased by Jugurtha's gold, and the absent pro-consul was perhaps held responsible for the rashness or cupidity of his incompetent legate, who does not seem to have been himself assailed. Caius Porcius Cato was emerging from the cloud of a recent conviction for extortion[2] only to feel the weight of a more crushing judgment which drove him to seek a refuge on Spanish soil. Caius Sulpicius Galba, although he had held no dominant position in the secular life of the State, was a distinguished member of the religious hierarchy; but even the memorable speech which he

[1] Sall. *Jug.* 40. 5 Sed quaestio exercita aspere violenterque ex rumore et lubidine plebis. Ut saepe nobilitatem, sic ea tempestate plebem ex secundis rebus insolentia ceperat.

[2] P. 295.

made in his defence did not save him from being the first occupant of a priestly office to be condemned in a criminal court at Rome.[1]

We do not know the number of criminals discovered by the Mamilian courts, and perhaps only the names of their more prominent victims have been preserved. The worldly position of these victims may, however, have saved others of lesser note, and the dignity of the sacrifice may have been regarded in the fortunate light of a compensation for its limited extent. The object of the people and of their present agents, the knights, so far as a rational object can be discerned in such a carnival of rage and vengeance, was to teach a severe lesson to the governing class. Their full purpose had been attained when the lesson had been taught. It was not their intention, any more than it had been that of Caius Gracchus, to usurp the administrative functions of government or to attempt to wrest the direction of foreign administration out of the senate's hands. The time for that further step might not be long in coming; but for the present both the lower and middle classes halted just at the point where destructive might have given place to constructive energy. The leaders of the people may have felt the entire lack of the organisation requisite for detailed administration, and the right man who might replace the machine had not yet been found; while the knights may, in addition to these convictions, have been influenced by their characteristic dislike of pushing a popular movement to an extreme which would remove it from the guidance of the middle class.

The senate had indeed learnt a lesson, and from this time onward the history of the Numidian war is simplified by the fact that its progress was determined by strategic, not by political, considerations. There is no thought of temporising with the enemy; the one idea is to reduce him to a condition of absolute submission—a submission which it was known could be secured only by the possession of his person. It is true that the conduct of the

[1] Cic. *Brut.* 34. 128 Invidiosa lege Mamilia quaestio C. Galbam sacerdotem et quattuor consulares, L. Bestiam, C. Catonem, Sp. Albinum civemque praestantissimum L. Opimium, Gracchi interfectorem, a populo absolutum, cum is contra populi studium stetisset, Gracchani judices sustulerunt. For the condemnation of Opimius *cf. pro Sest.* 67, 140; for that of Galba, *Brut.* 33. 127. Here honour is paid to Galba's speech in his defence (Extat ejus peroratio, qui epilogus dicitur: qui tanto in honore pueris nobis erat, ut eum etiam ediscseremus). Of Galba it is said (*l.c.*) Hic, qui in collegio sacerdotum esset, primus post Romam conditam judicio publico est condemnatus. He was perhaps a member of the college of pontiffs (Long *Decline of the Rom. Rep.* i. p. 415). For the exile of Cato at Tarraco see *pro Balbo* 11. 28).

campaign became more than ever a party question; but the party struggle turned almost wholly on the military merit of the commander sent to the scene of action, and although there was a suspicion that the war was being needlessly prolonged for the purpose of gratifying personal ambition, there was no hint of the secret operation of influences that were wholly corrupt. Such a suspicion was rendered impossible by the personality of the man who now took over the conduct of the campaign. The tardily elected consuls for the year were Quintus Caecilius Metellus and Marcus Junius Silanus. Of these Metellus was to hold Numidia and Silanus Gaul.[1] It is possible that, in the counsels of the previous year, considerations of the Numidian campaign may to some extent have determined the election of Metellus; the senate may have welcomed the candidature of a man of approved probity, although not of approved military skill, for the purpose of obviating the chance of another scandal; and the people may in the same spirit have now ratified his election. But, when we remember the almost mechanical system of advancement to the higher offices which prevailed at this time, it is equally possible that Metellus's day had come, that the senate was fortunate rather than prescient in its choice of a servant, and that, although the people in their present temper would probably have rejected a suspicious character, they accepted rather than chose Metellus. The existing system did not even make it possible to elect a man who would certainly have the conduct of the African war; and if we suppose that in this particular case the division of the consular provinces did not depend on the unadulterated use of the lot, but was settled by agreement or by a mock sortition,[2] the probity rather than the genius of Metellus must have determined the choice, for Silanus was assigned a task of far more vital importance to the welfare of Rome and Italy.

The repute of Metellus was based on the fact that, although an aristocrat and a staunch upholder of the privileges of his order, he

[1] Sall. *Jug.* 43. 1; Liv. *Ep.* lxv.

[2] Sallust's language (*Jug.* 43. 1) is indeterminate, but suggests the use of the lot—Metellus et Silanus consules designati provincias inter se partiverant, Metelloque Numidia evenerat. There are instances in later times of a manipulation of the *sortitio*. See Cic. *ad Fam.* v. 2. 3; *ad Att.* i. 16. 8. This assignment of the provinces followed the treaty of Aulus (*l.c.*), *i.e.* it took place early in 109, but not in the very first months of that year, as Spurius Albinus had gone back to Africa as proconsul (p. 373). As we have seen (p. 369) there is no probability that the consuls of 109 were elected in 110. Sallust's words (*l.c.*) "consules designati" simply mean "appointed consuls" and have no reference to the usual status of "consuls designate".

was honest in his motives and, so far at least as civic politics were concerned, straightforward in his methods. Rome was reaching a stage at which the dramatic probity of Hellenic annals, as exemplified by the names of an Aristeides or a Xenocrates, could be employed as a measure to exalt one member of a government among his fellows; the incorruptibility which had so lately been the common property of all,[1] had become the monopoly of a few, and Metellus was a witness to the folly of a caste which had not recognised the policy of honesty. The completeness with which the prize for character might be won, was shown by the attitude of a jury before which he had been impeached on a charge of extortion. Even the jealous *Equites* did not deign to glance at the account-books which were handed in, but pronounced an immediate verdict of acquittal.[2] But the merely negative virtue of unassailability by grossly corrupting influences could not have been the only source of the equable repute which Metellus enjoyed amongst the masses. It was but one of the signs of the self-sufficient directness, repose and courtesy, which marked the better type of the new nobility, of a life that held so much that it needed not to grasp at more, of the protecting impulse and the generosity which, in the purer type of minds constricted by conservative prejudices, is an outcome of the conviction of the unbridgeable gulf that separates the classes. The nobility of Metellus was wholly in his favour; it justified the senate while it hypnotised the people. The man who was now consul and would probably within a short space of time attach the name of a conquered nationality to his own, was but fulfilling the accepted destiny of his family. Metellus could show a father, a brother, an uncle and four cousins, all of whom had held the consulship. Since the middle of the second century titles drawn from three conquered peoples had become appellatives of branches of his race. His uncle had derived a name from Macedon, a cousin from the Baliares, his own elder brother from the Dalmatians. It remained to see whether the best-loved member of this favoured race would be in a position to add to the family names the imposing designation of Numidicus.

Metellus was a man of intellect and energy as well as of char-

[1] Polyb. vi. 56.

[2] Cic. *pro Balbo* 5. 11; *ad Att.* i. 16. 4; Val. Max. ii. 10. 1. It is supposed that Sicily may have been the province, which he had governed as propraetor, and from which he had returned when he was subjected to this trial. See Drumann *Gesch. Roms.* ii.[2] p. 31.

acter,[1] and he showed himself sufficiently exempt from the prejudices of his caste, and sufficiently conscious of the seriousness of the work in hand, to choose real soldiers, not diplomatists or ornamental warriors, as his lieutenants. If the restiveness of Marius had left a disturbing memory behind, it was judiciously forgotten by the consul, who drew the *protégé* of his family from the uncongenial atmosphere of the city to render services in the field, and to teach an ambitious and somewhat embittered man that each act of skill and gallantry was performed for the glory of his superior. Another of his legates was Publius Rutilius Rufus, who like Marius had held the praetorship, and was not only a man of known probity and firmness of character, but a scientific student of tactics with original ideas which were soon to be put to the test in the reorganisation of the army which followed the Numidian war. For the present it was necessary to create rather than reorganise an army, and Metellus in his haste had no time for the indulgence of original views. The reports of the forces at present quartered in the African province were not encouraging; and every means had to be taken to find new soldiers and fresh supplies. A vigorous levy was cheerfully tolerated by the enthusiasm of the community; the senate showed its earnestness by voting ample sums for the purchase of arms, horses, siege implements and stores. Renewed assistance was sought from, and voluntarily rendered by, the Latins and Italian allies, while subject kings proved their loyalty by sending auxiliary forces of their own free will.[2] When Metellus deemed his preparations complete, he sailed for his province amidst the highest hopes. They were hopes based on the probity of a single man; for the impression still prevailed that Roman arms were invincible and had been vanquished only by the new vices of the Roman character. Such hopes are not always the best omen for a commander to take with him; a joy in the present, they are likely to prove an embarrassment in the immediate future.

[1] Acri viro et, quamquam advorso populi partium, fama tamen aequabili et inviolata (Sall. *Jug.* 43. 1).

[2] *Ibid.* 43. 4.

CHAPTER VII

THE delay in his own appointment to the consulship, and the length of time required for collecting his supplementary forces and their supplies, had robbed Metellus of some of the best months of the year when he set foot on African soil; but his patience was to be put to a further test, for the most casual survey of what had been the army of the proconsul Albinus showed the impossibility of taking the field for some considerable time.[1] What he had heard was nothing to what he saw. The military spirit had vanished with discipline, and its sole survivals were a tendency to plunder the peaceful subjects of the province and a habit of bandying words with superior officers. The camp established by Aulus for his beaten army had hardly ever been moved, except when sanitary reasons or a lack of forage rendered a short migration unavoidable. It had developed the character of a highly disorderly town, the citizens of which had nothing to do except to traffic for the small luxuries of life, to enjoy them when they were secured, and, in times when money and good things were scarce, to spread in bands over the surrounding country, make predatory raids on the fields and villas of the neighbourhood, and return with the spoils of war, whether beasts or slaves, driven in flocks before them. The trader who haunts the footsteps of the bandit was a familiar figure in the camp; he could be found everywhere exchanging his foreign wine and the other amenities in which he dealt for the booty wrung from the provincials. Since discipline was dead and there was no enemy to fear, even the most ordinary military precautions had ceased to be observed. The ramparts were falling to pieces, the regular appointment and relief of sentries had been abandoned, and the common soldier absented himself from his company as often and for as long a period as he pleased.

[1] Sall. *Jug.* 44. *Cf.* Val. Max. ii. 7. 2; Frontin. *Strat.* iv. 1. 2.

Metellus had to face the task which had confronted Scipio at Numantia. He performed it as effectually and perhaps with greater gentleness; for the most singular feature in the methods by which he restored discipline was his avoidance of all attempts at terrorism.[1] The moderation and restraint, which had won the hearts of the citizens, worked their magic even in the disorganised rabble which he was remodelling into an army. The habits of obedience were readily resumed when the tones of a true commander were heard, and the way for their resumption was prepared by the regulations which abolished all the incentives to the luxurious indolence which he had found prevalent in the camp. The sale of cooked food was forbidden, the camp followers were swept away, and no private soldier was allowed the use of a slave or beast of burden whether in quarters or on the march. Other edicts of the same kind followed, and then the work of active training began. Every day the camp was broken up and pitched again after a cross-country march; rampart and ditch were formed and pickets set as though the enemy was hovering near, and the general and staff went their rounds to see that every precaution of real warfare was observed. On the line of march Metellus was everywhere, now in the van, now with the rearguard, now with the central column. His eye criticised every disposition and detected every departure from the rules; he saw that each soldier kept his line, that he filled his due place in the serried ranks that gathered round a standard, that he bore the appropriate burden of his food and weapons. Metellus preferred the removal of the opportunities for vice to the vindictive chastisement of the vicious; his wise and temperate measures produced a healthy state of mind and body with no loss of self-respect, and in a short time he possessed an army, strong in physique as in morale, which he might now venture to move against the foe.

Jugurtha had shown no inclination to follow up his success by active measures against the defeated Roman army, even after he had learnt the repudiation of his treaty with Aulus and knew that the state of war had been resumed. The miserable condition of the forces in the African province, of which he must have been fully aware, must have offered an inviting object of attack, and a sudden raid across the borders might have enabled him to dissipate the

[1] Sed in ea difficultate Metellum non minus quam in rebus hostilibus magnum et sapientem virum fuisse conperior: tanta temperantia inter ambitionem saevitiamque moderatum . . . Ita prohibendo a delictis magis quam vindicando exercitum brevi confirmavit (Sall. *Jug.* 45).

last relics of Roman military power in Africa. But he was now, as ever, averse to pushing matters to extremes, he declined to figure as an aggressive enemy of the Roman power; and to give a pretext for a war which could have no issue but his own extinction, would be to surrender the chances of compromise which his own position as a client king and the possibilities, however lessened, of working on the fears or cupidity of members of the Roman administration still afforded him. His strength lay in defensive operations of an elusive kind, not in attack; the less cultivated and accessible portions of his own country furnished the best field for a desultory and protracted war, and he seems still to have looked forward to a compromise to which weariness of the wasteful struggle might in the course of time invite his enemies. He may even have had some knowledge of the embarrassments of the Republic in other quarters of the world, and believed that both the unwillingness of Rome to enter into the struggle, and her eagerness, when she had entered, to see it brought to a rapid close, were to some extent due to a feeling that an African war would divert resources that were sorely needed for the defence of her European possessions.

The king's confidence in the weakness and half-heartedness of the Roman administration is said to have been considerably shaken by the news that Metellus was in command.[1] During his own residence in Rome he may have heard of him as the prospective consul; he had at any rate learnt the very unusual foundations on which Metellus's influence with his peers and with the people was based, and knew to his chagrin that these were unshakable. The later news from the province was equally depressing. The new commander was not only honest but efficient, and the shattered forces of Rome were regaining the stability that had so often replaced or worn out the efforts of genius. Delicate measures were necessary to resist this combination of innocence and strength, and Jugurtha began to throw out the tentacles of diplomacy. The impression which he meant to produce, and actually did produce on the mind of the historian who has left us the fullest record of the war, was that of a genuine desire to effect a surrender of himself which should no longer be fictitious, and to throw himself almost unreservedly on the mercy of the Roman people.[2] But Jugurtha

[1] Sall. *Jug.* 46. 1.

[2] Jugurtha . . . diffidere suis rebus ac tum demum veram deditionem facere conatus est (*Ibid.*).

was in the habit of exhibiting the most expansive trust, based on a feeling of his own utter helplessness, at the beginning of his negotiations, and of then seeming to permit his fears to get the better of his confidence. He was an experimental psychologist who held out vivid hopes in the belief that the craving once excited would be ultimately satisfied with less than the original offer, while the physical and mental retreat would meanwhile divert his victim from military preparations or lead him to incautious advances. It must have been in some such spirit that he assailed Metellus with offers so extreme in their humility that their good faith must have aroused suspicion in any mind where innocence did not imply simplicity of character, as Jugurtha perhaps hoped that it did in the case of this novel type of Roman official. The Numidian envoys promised absolute submission; even the crown was to be surrendered, and they stipulated only for the bare life of the king and his children.[1] Metellus, convinced of the unreality of the promise, matched his own treachery against that of the king. He had not the least scruple in following the lead which the senate had given, and regarding Jugurtha as unworthy of the most rudimentary rights of a belligerent. Believing that he had seen enough of the Numidian type to be sure that its conduct was guided by no principles of honour or constancy, and that its shifty imagination could be influenced by the newest project that held out a hope of excitement or of gain,[2] he began in secret interviews with each individual envoy, to tamper with his fidelity to the king. The subjects of his interviews did not repudiate the suggestion, and adopted an attitude of ready attention which invited further confidences. It might have been an attitude which in these subtle minds denoted unswerving loyalty to their master; but Metellus interpreted it in the light of his own desires, and proceeded to hold out hopes of great reward to each of the envoys if Jugurtha was handed over into his power; he would prefer to have the king alive; but, if that was impossible, the surrender of his dead body would be rewarded. He then gave in public a message which he thought might be acceptable to their master. It is sufficiently probable that the private dialogues no less than the public message were imparted to Jugurtha's ear by messengers who now had unexampled means of

[1] Sall. *Jug.* 46. 2.

[2] Sed Metello jam antea experimentis cognitum erat genus Numidarum infidum, ingenio mobili, novarum rerum avidum esse (*Ibid.* 46. 3).

proving their fidelity and each of whom may have attempted to show that his loyalty was superior to that of his fellows; incentives to frankness had certainly been supplied by Metellus; but this frankness may have been itself of value to the Roman commander. It would prove to Jugurtha the presence of a resolute and unscrupulous man who aimed at nothing less than his capture and with whom further parleyings would be waste of time.

A few days later Metellus entered Numidia with an army marching with all the vigilance which a hostile territory demands, and prepared in the perfected carefulness of its organisation to meet the surprises which the enemy had in store. The surprise that did await it was of a novel character.[1] The grimly arrayed column found itself forging through a land which presented the undisturbed appearance of peace, security and comfort. The confident peasant was found in his homestead or tilling his lands, the cattle grazed on the meadows; when an open village or a fortified town was reached, the army was met by the headman or governor representing the king. This obliging official was wholly at the disposal of the Roman general; he was ready to supply corn to the army or to accumulate supplies at any base that might be chosen by the commander; any order that he gave would be faithfully carried out. But Metellus's vigilance was not for a moment shaken by this bloodless triumph. He interpreted the ostentatious submission as the first stage of an intended ambush, and he continued his cautious progress as though the enemy were hovering on his flank. His line of march was as jealously guarded as before, his scouts still rode abroad to examine and report on the safety of the route. The general himself led the van, which was formed of cohorts in light marching order and a select force of slingers and archers; Marius with the main body of cavalry brought up the rear, and either flank was protected by squadrons of auxiliary horse that had been placed at the disposal of the tribunes in charge of the legions and the prefects who commanded the divisions of the contingents from the allies. With these squadrons were mingled light-armed troops, their joint function being to repel any sudden assault from the mobile Numidian cavalry. Every forward step inspired new fears of Jugurtha's strategic craft and knowledge of the ground; wherever the king might be, his subtle influence oppressed the trespasser

[1] Sall. *Jug.* 46. 5.

on any part of his domains, and the most peaceful scene appeared to the anxious eyes of the Roman commander to be fraught with the most terrible perils of war.

The route taken by Metellus may have been the familiar line of advance from the Roman province, down the valley of the Bagradas. But before following the upper course of that river into the heart of Numidia, he deemed it necessary to make a deflection to the north, and secure his communications by seizing and garrisoning the town of Vaga, the most important of the Eastern cities of Jugurtha.[1] Its position near the borders of the Roman province had made it the greatest of Numidian market towns, and it had once been the home, and the seat of the industry, of a great number of Italian traders.[2] We may suppose that by this time the merchants had fled from the insecure locality and that the foreign trade of the town had passed away; but both the site of the city and the character of its inhabitants attracted the attention of Metellus. The latter, like the Eastern Numidians generally, were a receptive and industrious folk, who knew the benefits that peace and contact with Rome conferred on commerce, and might therefore be induced to throw off their allegiance to Jugurtha. The site suggested a suitable basis for supplies and, if adequately protected, might again invite the merchant. Metellus, therefore, placed a garrison in the town, ordered corn and other necessaries to be stored within its walls, and saw in the concourse of the merchant class a promise of constant supplies for his forces and a tower of strength for the maintenance of Roman influence in Numidia when the work of pacification had been done. The slight delay was utilised by Jugurtha in his characteristic manner. The seizure of one of his most important cities offered an occasion or pretext for fresh terrors. Metellus was beset by grovelling envoys with renewed entreaties; peace was sought at any price short of the life of the king and his children; all else was to be surrendered. The consul still pursued his cherished plan of tampering with the fidelity of the messengers and sending them home with vague promises.

[1] P. 351.

[2] Sall. *Jug.* 47. 1 Oppidum Numidarum nomine Vaga, forum rerum venalium totius regni maxume celebratum, ubi et incolere et mercari consueverant Italici generis multi mortales. Sallust does not say that Italian merchants were still in the town. Their presence in Numidian cities since the massacre at Cirta may be doubted, although the fact that the town was so near the province may have mastered the fears of some of the traders.

He would not cut off Jugurtha from all hope of a compromise. He may have believed that he was paralysing the king's efforts while he continued his steady advance, and turning his enemy's favourite weapon against that enemy himself. Perhaps he even let his thoughts dally with the hope that the envoys who had proved such facile traitors might find some means of redeeming their promises.[1] But, unless he committed the cardinal mistake of misreading or undervaluing his opponent, these could have been but secondary hopes. He must have known that to penetrate into Western Numidia without a serious battle, or at least without an effort of Jugurtha to harass his march or to cut his communications, was an event beyond the reach of purely human aspiration.

Jugurtha had on his part framed a plan of resistance complete in every detail. The site in which the attempt was to be made was visited and its military features were appraised in all their bearings; the events which would succeed each other in a few short hours could be predicted as surely as one could foretell the regular movements of a machine; the Roman general was walking into a trap from which there should be no escape but death. The framing of Jugurtha's scheme necessarily depended on his knowledge of Metellus's line of march. We do not know how soon the requisite data came to hand; but there is little reason for believing that his plan was a resolution of despair or forced on him as a last resort, except in the sense that he would always rather treat than fight, and that to inflict disaster on a Roman army was no part of the policy which he deemed most desirable. But, since his ideal plan had stumbled on the temperament of Metellus, a check to the invading army became imperative.[2] The sacrifice of Vaga could scarcely have weighed heavily on his mind, for it was an integral element in any rational scheme of defence; but, even apart from the obvious consideration that a king must fight if he cannot treat for his crown, the thought of his own prestige may now have urged him to combat. Unbounded as the faith of his Numidian subjects was, it might not everywhere survive the impression made by the unimpeded and triumphant march of the Roman legions.

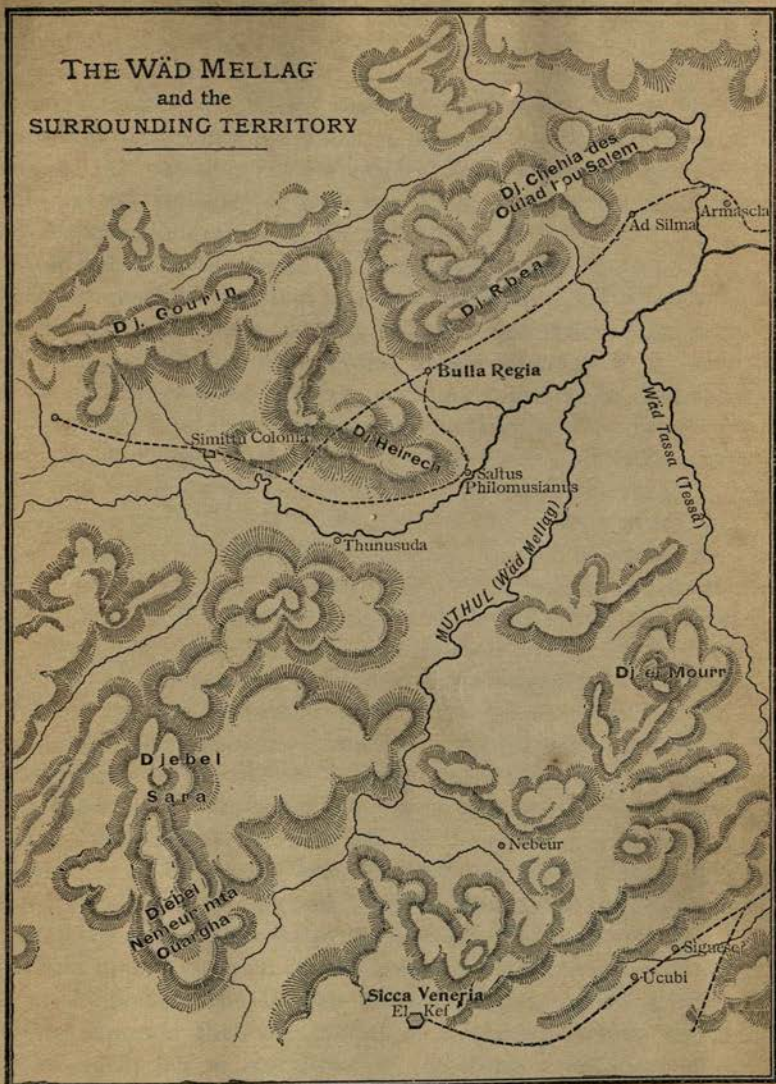
Metellus when he quitted Vaga had continued to operate in the eastern part of Numidia. The theatre of his campaign was probably to be the territory about the plateau of Vaga and the

[1] Sall. *Jug.* 47. 4.
[2] *Ibid.* 48. 1 Coactus rerum necessitudine statuit armis certare.

Great Plains, its ultimate prizes perhaps were to be the important Numidian towns of Sicca Veneria and Zama Regia to the south. The nature of the country rendered it impossible for him to enter the defiles of the Bagradas from the north-west, while it was equally impossible for him to march direct from Vaga to Sicca, for the road was blocked by the mountains which intervened on his south-eastern side. To reach the neighbourhood of Sicca it was necessary to turn to the south-west and follow for a time the upward course of the river Muthul (the Wäd Mellag). By this route he would reach the high plateaux, which command on the south-east the plains of Sicca and Zama, on the north-west those of Naraggara and Thagaste, on the south those of Thala and Theveste.[1] Metellus's march led him over a mountain height which was some miles from the river.[2] The western side of this height, down which the Roman army must descend, although of some steepness at the beginning of its declivity, did not terminate in a plain, but was continued by a swelling rise, of vast and even slope, which found

[1] Tissot *Géographie comparée* 1. pp. 67-68. I have followed Tissot in his identification of the Muthul with the Wäd Mellag. This view makes Metellus's efforts concentrate for the time on S.E. Numidia. He intended to secure his communications before proceeding farther, whether south or west. The older view, which identified the Muthul with the Ubus (Mannert and Forbiger) would represent Metellus as opening his campaign in the direction of Hippo Regius—Western Numidia would thus be his object and the subsequent campaign about Zama would indicate a change of plan. This is not an impossible view; but there are other indications which favour the hypothesis that the Muthul is the Wäd Mellag. One is that Sicca in its neighbourhood veered round to the Romans after the battle (Sall. *Jug.* 56. 3). The other is the alleged suitability of this region to the topographical description given by Sallust. Tissot believed that every step in the great battle could be traced on the ground. The "mons tractu pari" is the Djebel Hemeur mta Ouargha, parallel to the course of the Wäd Mellag and extending from the Djebel Sara to the Wäd Zouatin. The hill projected by this chain perpendicularly to the river is the Koudiat Abd Allah, which detaches itself from the central block of the Djebel Hemeur and the direction of which is perpendicular both to the mountain and to the Wäd Mellag. The plain, waterless and desert in the angle formed by the hill and the mountain but inhabited and cultivated in the neighbourhood of the Muthul, is the Fëid-es-Smar, watered in its lower part by two streams which empty into the Wäd Mellag. The distance, however, which separates Djebel Hemeur from the left bank of the Wäd Mellag, is not twenty (the number given by the MSS. of Sallust) but about seven miles. S. Reinach in his edition of Tissot has not reproduced the author's own sketch of the battle of the Muthul, but a map of the district will be found in the Atlas appended to the work (Map xviii., Medjerda supérieure). This map forms the basis of the one which I have given.

[2] See note 1. One must agree with Tissot that the "ferme milia passuum viginti" of Sallust (*Jug.* 48. 3) cannot be accepted. Such a distance is impossible from a strategic point of view, as Metellus could never have sent his vanguard such a distance in advance, when he himself was engaged with the enemy. It is also inconsistent with the account of the battle, the details of which obviously show that it took place in a much smaller area. The actual distance between the conjectured sites is about seven Roman miles (note 1. See Tissot *op. cit.* i. p. 71).


THE WÄD MELLAG
and the
SURROUNDING TERRITORY
Dj. Chehia des Ouiad bou Salem
Armascla
Ad Silma
Dj. Rbea
Dj. Gourin
Bulla Regia
Wäd Tassa (Tessa)
Simittu Colonia
Dj. Heirech
Saltus Philomusianus
Thunusuda
MUTHUL (Wäd Mellag)
Dj. el Mourr
Djebel Sara
Nebeur
Djebel Nemeur mta Ouargha
Siguese
Ucubi
Sicca Veneria
El Kef

its eastern termination on the river's bank. The greater portion of this great hill, and especially that part of it which lay nearest to the mountain, was covered by a sparse and low vegetation, such as the wild olive and the myrtle, which was all that the parched and sandy soil would yield. There was no water nearer than the river, and this had made the hill a desert so far as human habitation was concerned. It was only on its eastern slope which touched the stream that the presence of man was again revealed by thick-set orchards and cattle grazing in the fields.[1]

Jugurtha's plan was based on the necessity which would confront the Romans of crossing this arid slope to reach the river. Could he spring on them as they left the mountain chain and detain them in this torrid wilderness, nature might do even more than the Numidian arms to secure a victory; meanwhile measures might be taken to close the passage to the river, and to bring up fresh forces from the east to block the desired route while the ambushed army was harassed by attacks from the flank and rear.

Jugurtha himself occupied the portion of the slope which lay just beneath the mountain. He kept under his own command the whole of the cavalry and a select body of foot-soldiers, probably of a light and mobile character such as would assist the operations of the horse. These he placed in an extended line on the flank of the route that must be followed by an army descending from the mountain. The line was continued by the forces which he had placed under the command of Bomilcar. These consisted of the heavier elements of the Numidian army, the elephants of war and the major part of the foot soldiers. It is, however, probable that there was a considerable interval between the end of Jugurtha's and the beginning of Bomilcar's line.[2] The latter on its eastern side extended to a point at no great distance from the river; and according to the original scheme of the ambush the function assigned to Bomilcar must have been that of executing a turning movement which would prevent the Roman forces from gaining the stream. As it was expected that the impact of the heavy Roman troops would be chiefly felt in this direction, the sturdier and less mobile portions of the Numidian army had been placed under Bomilcar's command.

[1] Sall. *Jug.* 48.

[2] This appears from the narrative in *Ibid.* 52. 5. Even when Jugurtha had advanced some distance to the river, Bomilcar was not actually in touch with the king's forces.

Metellus was soon seen descending the mountain slope,[1] and there seemed at first a chance that the Roman column might be surprised along its length by the sudden onset of Jugurtha's horse. But the vigilant precautions which Metellus observed during his whole line of march, although they could not in this case avert a serious danger, possibly lessened the peril of the moment. His scouts seem to have done their work and spied the half-concealed Numidians amongst the low trees and brushwood. The superior position of the Roman army must in any case soon have made this knowledge the common property of all, unless we consider that some ridge of the chain concealed Jugurtha's ambush from the view of the Roman army until they should have almost left the mountain for the lower hill beneath it. Jugurtha must in any case have calculated on the probability of the forces under his own command soon becoming visible to the enemy, for perfect concealment was impossible amidst the stunted trees which formed the only cover for his men.[1] The efficacy of his plan did not depend on the completeness or suddenness of the surprise; it depended still more on Jugurtha's knowledge of the needs of a Roman army, and on the state of perplexity into which all that was visible of the ambush would throw the commander. For the little that was seen made it difficult to interpret the size, equipment and intentions of the expectant force. Glimpses of horses and men could just be caught over the crests of the low trees or between the interlacing boughs. Both men and horses were motionless, and the eye that strove to see more was baffled by the scrub which concealed more than it revealed, and by the absence of the standards of war which might have afforded some estimate of the nature and size of the force and had for this reason been carefully hidden by Jugurtha.

But enough was visible to prove the intended ambush. Metellus called a short halt and rapidly changed his marching column to a battle formation capable of resistance or attack. His right flank was the one immediately threatened. It was here accordingly that he formed the front of his order of battle, when he changed his marching column into a fighting line.[2] The three ranks were formed in the traditional manner; the spaces between the maniples were filled by slingers and archers; the whole of the cavalry was placed

[1] Sall. *Jug.* 49. 4.

[2] *Ibid.* 49. 6 Ibi commutatis ordinibus in dextero latere, quod proxumum hostis erat, triplicibus subsidiis aciem instruxit.

on the flanks. It is possible that at this point the line of descent from the mountain would cause the Roman army to present an oblique front to the slope and the distant river,[1] and the cavalry on the left wing would be at the head of the marching column, if it descended into the lower ground.[2] Such a descent was immediately resolved on by Metellus. To halt on the heights was impossible, for the land was waterless; an orderly retreat was perhaps discountenanced by the difficulties of the country over which he had just passed and the distance of the last watering-place which he had left, while to retire at the first sight of the longed-for foe would not have inspired his newly remodelled army with much confidence in themselves or their general.

When the army had quitted the foot of the mountain, a new problem faced its general. The Numidians remained motionless,[3] and it became clear that no rapid attack that could be as suddenly repulsed was contemplated by their leader. Metellus saw instead the prospect of a series of harassing assaults that would delay his progress, and he dreaded the fierceness of the season more than the weapons of the enemy. The day was still young, for Jugurtha had meant to call in the alliance of a torrid sun, and Metellus saw in his mind's eye his army, worn by thirst, heat and seven miles of harassing combat, still struggling with the Numidian cavalry while they strove to form a camp at the river which was the bourne of their desires. It was all important that the extreme end of the slope which touched the river should be seized at once, and a camp be formed, or be in process of formation, by the time that his tired army arrived. With this object in view he sent on his legate Rutilius with some cohorts of foot soldiers in light marching order and a portion of the cavalry. The movement was well planned, for by the nature of the case it could not be disturbed by Jugurtha. His object was to harry the main body of the army and especially the heavy infantry, and his refusal to detach any part of his force in pursuit of the swiftly moving Rutilius is easily understood, especially when it is remembered that Bomilcar was stationed near to the ground which the Roman legate was to seize. An attack on the

[1] Sall. *Jug.* 49. 6 Sicuti instruxerat, transvorsis principiis in planum deducit. The word "transvorsis" here probably refers to the direction in which the front rank faced the enemy, and the position may be described in another way by saying that Metellus marched with his front rank sideways to Jugurtha. See Summers *in loc.*

[2] *Ibid.* 50. 2.

[3] *Ibid.* 50. 1.

flying column would also have led to the general engagement which Metellus wished to provoke. The presence of Bomilcar and his force was probably unknown to the Romans. He in his turn must have been surprised, and may have been somewhat embarrassed, by Rutilius's advance; but the movement did not induce him to abandon his position. To oppose Rutilius would have been to surrender the part assigned him in the intended operations against the main Roman force; and, if this part was now rendered difficult or impossible by the presence of the Romans in his rear, he might yet divide the forces of the enemy, and assist Jugurtha by keeping Rutilius and his valuable contingents of cavalry in check. He therefore permitted the legate to pass him[1] and waited for the events which were to issue from the combat farther up the field.

Metellus meanwhile continued his slow advance, keeping the marching order which had been observed in the descent from the mountain. He himself headed the column, riding with the cavalry that covered the left wing, while Marius, in command of the horsemen on the right, brought up the rear.[2] Jugurtha waited until the last man of the Roman column had crossed the beginning of his line, and then suddenly threw about two thousand of his infantry up the slope of the mountain at the point where Metellus had made his descent. His idea was to cut off the retreat of the Romans and prevent their regaining the most commanding position in the field. He then gave the signal for a general attack. The battle which followed had all the characteristic features of all such contests between a light and active cavalry force and an army composed mainly of heavy infantry, inferior in mobility but unshakable in its compact strength. There was no possibility of the Numidians piercing the Roman ranks, but there was more than a possibility of their wearing down the strength of every Roman soldier before that weary march to the river had even neared its completion. The Roman defence must have been hampered by the absence of that portion of the cavalry which had accompanied Rutilius; it was more sorely tried by the dazzling sun, the floating dust and the intolerable heat. The Numidians hung on the rear and either flank, cutting down the stragglers and essaying to break the order of the Roman ranks on every side. It was of the utmost difficulty to preserve this order, and the braver spirits who preferred the

[1] Sall. *Jug.* 52. 5. [2] *Ibid.* 50. 2.

security of their ranks to reckless and indiscriminate assault, were maddened by blows, inflicted by the missiles of their adversaries, which they were powerless to return. Nor could the repulse of the enemy be followed by an effective pursuit. Jugurtha had taught his cavalry to scatter in their retreat when pursued by a hostile band; and thus, when unable to hold their ground in the first quarter which they had selected for attack, they melted away only to gather like clouds on the flank and rear of pursuers who had now severed themselves from the protecting structure of their ranks. Even the difficulties of the ground favoured the mobile tactics of the assailants; for the horses of the Numidians, accustomed to the hill forests, could thread their way through the undergrowth at points which offered an effective check to the pursuing Romans.

It seemed as though Jugurtha's plan was nearing its fulfilment. The symmetry of the Roman column was giving place to a straggling line showing perceptible gaps through which the enemy had pierced. The resistance was becoming individual; small companies pursued or retreated in obedience to the dictates of their immediate danger; no single head could grasp the varied situation nor, if it had had power to do so, could it have issued commands capable of giving uniformity to the sporadic combats in which attack and resistance seemed to be directed by the blind chances of the moment. But every minute of effectual resistance had been a gain to the Romans. The ceaseless toil in the cruel heat was wearing down the powers even of the natives; the exertions of the latter, as the attacking force, must have been far greater than those of the mass of the Roman infantry; and the Numidian foot soldiers in particular, who were probably always of an inferior quality to the cavalry and had been obliged to strain their physical endurance to the utmost by emulating the horsemen in their lightning methods of attack and retreat, had become so utterly exhausted that a considerable portion of them had practically retired from the field. They had climbed to the higher ground, perhaps to join the forces which Jugurtha had already placed near the foot of the mountain, and were resting their weary limbs, probably not with any view of shirking their arduous service but with a resolution of renewing the attack when their vigour had been restored. This withdrawal of a large portion of the infantry was a cause, or a part, of a general slackening of the Numidian attack; and it was the breathing space thus afforded which gave Metellus his great chance. Gradu-

ally he drew his straggling line together and restored some order in the ranks; and then with the instinct of a true general he took active measures to assail his enemy's weakest point. This point was represented by the Numidian infantry perched on the height. Some of these were exhausted and perhaps dispirited, others it is true were as yet untouched by the toil of battle; but as a body Metellus believed them wholly incapable of standing the shock of a Roman charge. The confidence was almost forced on him by his despair of any other solution of the intolerable situation. The evening was closing in, his army had no camp or shelter; even if it were possible to guard against the dangers of the night, morning would bring but a renewal of the same miserable toil to an army worn by thirst, sleeplessness and anxiety. He, therefore, massed four legionary cohorts against the Numidian infantry,[1] and tried to revive their shattered confidence by appealing at once to their courage and to their despair, by pointing to the enemy in retreat and by showing that their own safety rested wholly on the weapons in their hands. For some time the Roman soldiers surveyed their dangerous task and looked expectantly at the height that they were asked to storm. The vague hope that the enemy would come down finally disappeared; the growing darkness filled them with resolute despair; and, closing their ranks, they rushed for the higher ground. In a moment the Numidians were scattered and the height was gained. So rapidly did the enemy vanish that but few of them were slain; their lightness of armour and knowledge of the ground saved them from the swords of the pursuing legionaries.

The conquest of the height was the decisive incident of the battle, and it was clearly a success that, considered in itself, was due far more to radical and permanent military qualities than to tactical skill. It may seem wholly a victory of the soldiers, in which the general played no part, until we remember that strategic and tactical considerations are dependent on a knowledge of such permanent conditions, and that Metellus was as right in forcing his Romans up the height as Jugurtha was wrong in believing that his Numidians could hold it. With respect to the events occurring in this quarter of the field, Metellus had saved himself from a strategic disadvantage by a tactical success; but even the strategic situation could not be estimated wholly by reference to the events which had

[1] Sall. *Jug.* 51. 3.

just occurred or to the position in which the two armies were now left. Had Bomilcar still been free to bar the passage to the river and to join Jugurtha's forces during the night, the position of the Romans would still have been exceedingly dangerous. But the mission of Rutilius had successfully diverted that general's attention from what had been the main purpose of the original plan. His leading idea was now merely to separate the two divisions of the Roman army, and the thought of blocking the passage of Metellus, although not necessarily abandoned, must have become secondary to that of checking the advance of Rutilius when the legate should have become alarmed at the delay in the progress of his commander. Bomilcar, after he had permitted the Roman force to pass him, slowly left the hill where he had been posted and brought his men into more level ground,[1] while Rutilius was making all speed for the river. Quietly he changed his column into a line of battle stretching across the slope which at this point melted into the plain, while he learnt by constant scouting every movement of the enemy beyond. He heard at length that Rutilius had reached his bourne and halted, and at the same time the din of the battle between Jugurtha and Metellus came in louder volumes to his ear. The thought that Rutilius's attention was disengaged now that his main object had been accomplished, the fear that he might seek to bring help to his labouring commander, led Bomilcar to take more active measures. His mind was now absorbed with the problem of preventing a junction of the Roman forces. His mistrust of the quality of the infantry under his command had originally led him to form a line of considerable depth; this he now thought fit to extend with the idea of outflanking and cutting off all chance of egress from the enemy. When all was ready he advanced on Rutilius's camp.[2]

The Romans were suddenly aware of a great cloud of dust which hung over the plantations on their landward side; but the intervening trees hid all prospect of the slope beyond: and for a time they looked on the pillar of dust as one of the strange sights of the desert, a mere sand-cloud driven by the wind. Then they thought that it betrayed a peculiar steadiness in its advance; instead of sweeping down in a wild storm it moved with the pace and regularity

[1] Sall. *Jug.* 52. 5.

[2] Aciem quam diffidens virtuti militum arte statuerat, quo hostium itineri officeret, latius porrigit eoque modo ad Rutili castra procedit (*Ibid.* 52. 6).

of an army on the march; and, in spite of its slow progress, it could be seen to be drawing nearer and nearer. The truth burst upon their minds; they seized their weapons and, in obedience to the order of their commander, drew up in battle formation before the camp. As Bomilcar's force approached, the Romans shouted and charged; the Numidians raised a counter cheer and met the assault half-way. There was scarcely a moment when the issue seemed in doubt. The Romans, strong in cavalry, swept the untrained Numidian infantry before them, and Bomilcar had by his incautious advance thrown away the utility of that division of his army on which he and his men placed their chief reliance. His elephants, which were capable of manœuvring only on open ground, had now been advanced to the midst of wooded plantations, and the huge animals were soon mixed up with the trees, struggling through the branches and separated from their fellows.[1] The Numidians made a show of resistance until they saw the line of elephants broken and the Roman soldiers in the rear of the protecting beasts; then they threw away their heavy armour and vanished from the spot, most of them seeking the cover of the hills and nearly all secure in the shelter of the coming night. The elephants were the chief victims of the Roman pursuit; four were captured and the forty that remained were killed.

It had been a hard day's work for the victorious division. A forced march had been followed by the labour of forming a camp and this in turn by the toil of battle. But it was impossible to think of rest. The delay of Metellus filled them with misgivings, and they advanced through the darkness to seek news of the main division with a caution that bespoke the prudent view that their recent victory had not banished the evil possibilities of Numidian guile.[2] Metellus was advancing from the opposite direction and the two armies met. Each division was suddenly aware of a force moving against it under cover of the night; with nerves so highly strung as to catch at any fear each fancied an enemy in the other. There was a shout and a clash of arms, as swords were drawn and shields unstrung. It was fortunate that mounted scouts were riding in advance of either army. These soon saw the welcome truth and bore it to their companions. Panic gave place to joy; as the com-

[1] Sall. *Jug.* 53. 3.

[2] *Ibid.* 53. 5 Instructi intentique obviam procedunt. Nam dolus Numidarum nihil languidi neque remissi patiebatur.

bined forces moved into camp, the soldiers' tongues were loosed, and pent up feelings found expression in wonderful stories of individual valour.

Metellus, as in duty bound, gave the name of victory to his salvation from destruction. He was right in so far as an army that has vanished may be held to have been beaten; and his compliments to his soldiers were certainly well deserved; for the triumph, such as it was, had been mainly that of the rank and file, and the Roman legionary had not merely given evidence of the old qualities of stubborn endurance which Metellus's training had restored, but had proved himself vastly superior to anything in the shape of a soldier of the line that Jugurtha could put into the field. The commendation and thanks which the general expressed in his public address to the whole army, the individual distinctions which he conferred on those whose peculiar merit in the recent combats was attested, were at once an apology for hardship, a recognition of desert and a means of inspiring self-respect and future efficiency. If it is true that Metellus added that glory was now satisfied, and plunder should be their reward in future,[1] he was at once indulging in a pardonable hyperbole and veiling the unpleasant truth that combats with Jugurtha were somewhat too expensive to attract his future attention. His own private opinion of the recent events was perhaps as carefully concealed in his despatches to the senate. It was inevitable that a populace which had learnt to look on news from Numidia as a record of compromise or disaster, should welcome and exaggerate the cheering intelligence; should not only glory in the indisputable fact of the renewed excellence of their army, but should regard Jugurtha as a fugitive and Metellus as master of his land.[2] It was equally natural that the senate should embrace the chance of shaking off the last relics of suspicion which clung to its honour and competency by exalting the success of its general. It decreed supplications to the immortal gods, and thus produced the impression that a decisive victory had been won. Everywhere the State displayed a pardonable joy mingled with a less justifiable expectation that this was the beginning of the end.

[1] Pro victoria satis jam pugnatum, reliquos labores pro praeda fore (Sall. *Jug.* 54. 1).

[2] Interim Romae gaudium ingens ortum cognitis Metelli rebus, ut seque et exercitum more majorum gereret, in advorso loco victor tamen virtute fuisset, hostium agro potiretur, Jugurtham magnificum ex Albini socordia spem salutis in solitudine aut fuga coegisset habere (*Ibid.* 55. 1).

The man who raises extravagant hopes is only less happy than the man who dashes them to the ground. The days that followed the battle of the Muthul must have been an anxious time for Metellus; for he had been taught that it was necessary to change his plan of campaign into a shape which was not likely to secure a speedy termination of the war. For four days he did not leave his camp—a delay which may have had the ostensible justification of the necessity of caring for his wounded soldiers,[1] and may even have been based on the hope that negotiations for surrender might reach him from the king, but which also proved his view that the pursuit of Jugurtha was wholly impracticable, and that in the case of a Numidian army capture or destruction was not a necessary consequence of defeat. He contented himself with making inquiries of fugitives and others as to the present position and proceedings of the king, and received replies which may have contained some elements of truth. He learnt that the Numidian army which had fought at the Muthul had wholly broken up in accordance with the custom of the race, that Jugurtha had left the field with his body-guard alone, that he had fled to wild and difficult country and was there raising a second army—an army that promised to be larger than the first, but was likely to be less efficient, composed as it was of shepherds and peasants with little training in war.[2] We cannot say whether Metellus accepted the strange view that the vanished army, which had now probably returned to the peaceful pursuits of agriculture and pasturage, would not be reproduced in the new one; but certainly the news of the future weakness of Jugurtha's forces did not seem to him to justify an advance into Western Numidia, then as ever the stronghold of the king and the seat of that treasure of human life which was of more value than gold and silver. The Roman general, while recognising that the belligerent aspect of the king made a renewal of the war inevitable, was fully convinced that pitched battles were not the means of wearing down Numidian constancy. The pursuit of Jugurtha was impossible without conflicts, from which the vanquished emerged less scathed than the victors,[3] and even this primary object of the expedition was for the time abandoned. He was forced to adopt the circuitous device of attracting the presence of the

[1] Sall. *Jug.* 54. 1. [2] *Ibid.* 54. 3.

[3] Metellus, ubi videt . . . minore detrimento illos vinci quam suos vincere, statuit non proeliis neque in acie, sed alio more bellum gerundum (*Ibid.* 54. 5).

king, and weakening the loyalty of his subjects, by a series of mere plundering raids on the wealthiest portions of the country. It was a plan that in default of a really effective occupation of the whole country, especially of some occupation of Western Numidia, implied a certain amount of self-contradiction and inconsistency. The plunder of the land was intended to secure the end which Metellus wished to avoid—a conflict with the king; and the mobility which he so much dreaded could find no fairer field for its exercise than the rapid marches across country which might secure a town from attack, undo the work of conquest which had just been effected in some other stronghold, or harass the route of the Roman forces as they moved from point to point. Metellus was making himself into an admirable target for the most effective type of guerilla warfare; but the whole history of the struggle down to its close proves that this helplessness was due to the situation rather than to the man. The Roman forces were wholly inadequate to an effective occupation of Numidia; and a general who despaired of pushing on in an aimless and dangerous pursuit, had to be content with the chances that might result from the capture of towns, the plunder of territories, and secret negotiations which might bring about the death or surrender of the king.

Neither the movements which followed the battle of the Muthul nor the site of the winter quarters into which Metellus led his men, have been recorded. The campaign of the next year seems still to have been confined to the eastern portion of Numidia, its object being the security of the country between Vaga and Zama. This rich country was cruelly ravaged, every fortified post that was taken was burnt, all Numidians of fighting age who offered resistance were put to the sword. This policy of terrorism produced some immediate results. The army was well provisioned, the frightened natives bringing in corn and other necessaries in abundance; towns and districts yielded hostages for their good behaviour; strong places were surrendered in which garrisons were left.[1] But the presence of Jugurtha soon made itself felt. The king, if he had collected an army, had left the major part of it behind. He was now at the head of a select body of light horse, and with this mobile force he followed in Metellus's tracks. The Romans felt themselves haunted by a phantom enemy who passed with incredible

[1] Sall. *Jug.* 54. 6.

rapidity from point to point, whose stealthy advances were made under cover of the darkness and over trackless wastes, and whose proximity was only known by some sudden and terrible blow dealt at the stragglers from the camp. The death or capture of those who left the lines could neither be hindered nor avenged; for before reinforcements could be hurried up, the Numidians had vanished into the nearest range of hills. The most ordinary operations of the army were now being seriously hindered. Supply and foraging parties had to be protected by cohorts of infantry and the whole force of cavalry; plundering was impossible; and fire was found the readiest means of wasting country which could no longer be ravaged for the benefit of the men. It was thought unsafe for the whole army to operate in two independent columns. Such columns were indeed formed, Metellus heading one and Marius the other; but it was necessary for them to keep the closest touch. Although they sometimes divided to extend the sphere of their work of terror and devastation, they often united through the pressure of fear, and the two camps were never at a great distance from each other.[1] The king meanwhile followed them along the hills, destroying the fodder and ruining the water supply on the line of march; now he would swoop on Metellus, now on Marius, harass the rear of the column and vanish again into his hiding places.

The painful experiences of the later portion of this march convinced Metellus that some decisive effort should be made, which would crown his earlier successes, give him some sort of command of the line of country through which he had so perilously passed, and might, by the importance of the attempt, force Jugurtha to a battle. The hilly country through which he had just conducted his legions, was that which lay between the great towns of Sicca and Zama.[2] The possession of both these places was absolutely essential if the southern district which he had terrified and garrisoned

[1] Sall. *Jug.* 55. 5.

[2] Sicca is the modern El Kef, but is still called by its inhabitants by its old name of Sicca Veneria (Schak Benâr). The name *Veneria* was derived from a temple of the Punic Aphrodite (*cf.* Val. Max. ii. 6. 15). Of its strategic importance Tissot says "El Kef is still regarded as the strongest place in Tunis. . . . The town dominates the great plains of Es-sers, Zanfour, Lorbeus and of the Wâd Mellag, at the same time that it commands one of the principal ways of communication leading from Tunis to Algiers." See Wilmanns in C. I. L. viii. p. 197; Tissot *Géogr. comp.* ii. p. 378. Zama Regia is now identified, not with the place called Lehs, El-Lehs or Ellès (Wilmanns *op cit.* p. 210), but with Djiâma. See Tissot *op. cit.* ii. pp. 571, 577-79; Mommsen in *Hermes* xx. pp. 144-56; Schmidt in *Rhein. Mus.* 1889 (N. F. 44) pp. 397 foll.

was to be kept permanently from the king. Sicca was already his, for it had been the first of the towns to throw off its allegiance to Jugurtha after the battle on the Muthul had dissipated the Numidian army.[1] He now turned his attention to the still more important town of Zama, the true capital and stronghold of this southern district, and prepared to master the position by assault or siege. Jugurtha was soon cognisant of his plan, and by long forced marches crossed Metellus's line and entered Zama.[2] He urged the citizens to a vigorous defence and promised that at the right moment he would come to their aid with all his forces; he strengthened their garrison by drafting into it a body of Roman deserters, whose circumstances guaranteed their loyalty, and disappeared again from the vision of friends and foes. Shortly afterwards he learnt that Marius had left the line of march for Sicca, and that he had with him but a few cohorts intended to convoy to the army the corn which he hoped to acquire in the town. In a moment Jugurtha was at the head of his chosen cavalry and moving under cover of the night. He had hoped perhaps to find the division in the town, to turn the tide of feeling in Sicca by his presence, and to see the ablest of his opponents trapped within the walls. But, as he reached the gate, the Romans were leaving it. He immediately hurled his men upon them and shouted to the curious folk who were watching the departure of the cohorts, to take the division in the rear. Chance, he cried, had lent them the occasion of a glorious deed of arms. Now was the time for them to recover freedom, for him to regain his kingdom. The magic of the presence of the national hero had nearly worked conversion to the Siccans and destruction to the Romans. The friendly city would have proved a hornets' nest, had not Marius bent all his efforts to thrusting a passage through Jugurtha's men and getting clear of the dangerous walls. In the more open ground the fighting was sharp but short. A few Numidians fell, the rest vanished from the field, and Marius came in safety to Zama, where he found Metellus contemplating his attack.

The city lay in a plain and nature had contributed but little to its defence,[3] but it was strong in all the means that art could supply and well prepared to stand a siege. Metellus planned a general assault and arranged his forces around the whole line of

[1] Sall. *Jug.* 56. 3. [2] *Ibid.* 56. 2.
[3] Id oppidum in campo situm magis opere quam natura munitum erat (*Ibid.* 57. 1).

wall. The attack began at every point at once; in the rear were the light-armed troops, shooting stones and metal balls at the defenders and covering the efforts of the active assailants, who pressed up to the walls and strove to effect an entry by scaling ladders and by mines. The defending force betrayed no sign of terror or disordered haste. They calmly distributed their duties, and each party kept a watchful eye on the enemy whom it was its function to repel; while some transfixed those farther from the wall with javelins thrown by the hand or shot from an engine, others dealt destruction on those immediately beneath them, rolling heavy stones upon their heads and showering down pointed stakes, heavy missiles and vessels full of blazing pine fed with pitch and sulphur.[1]

The battle raging round the walls may have absorbed the thoughts even of that section of the Roman army which had been left to guard the camp. Certainly they and their sentries were completely off their guard when Jugurtha with a large force dashed at the entrenchments and, so complete was the surprise, swept unhindered through the gate.[2] The usual scene of panic followed with its flight, its hasty arming, the groans of the wounded, the silent falling of the slain. But the unusual degree of the recklessness of the garrison was witnessed by the fact that not more than forty men were making a collective stand against the Numidian onset. The little band had seized a bit of high ground and no effort of the enemy could dislodge them. The missiles which had been aimed against them they hurled back with terrible effect into the dense masses around; and when the assailants essayed a closer combat, they struck them down or drove them back with the fury of their blows. Their resistance may have detained Jugurtha in the camp longer than he had intended; but the immediate escape from the emergency was due to the cowards rather than to the brave. Metellus was wrapt in contemplation of the efforts of his men before the walls of Zama when he suddenly heard the roar of battle repeated from another quarter. As he wheeled his horse, he saw a crowd of fugitives hurrying over the plain; since they made for him, he judged that they were his own

[1] Contra ea oppidani in proxumos saxa volvere, sudes, pila, praeterea picem sulphure et taeda mixtam ardentia mittere (Sall. *Jug.* 57. 5). If *ardentia* is correct, the *sudes* and *pila* must also have been winged with fire. I have interpreted the passage as though *ardenti* (suggested by Herzog) were the true reading. Summers suggests "picem sulphure mixtam et tela ardentia".

[2] *Ibid.* 58. 1.

men. It seems that the cavalry had been drawn up near the walls, probably as a result of the impression that Jugurtha, if he attacked at all, would attempt to take the besiegers in the rear. Metellus now hastily sent the whole of this force to the camp, and bade Marius follow with all speed at the head of some cohorts of the allies. His anguish at the sullied honour of his troops was greater than his fear. With tears streaming down his face he besought his legate to wipe out the stain which blurred the recent victory and not to permit the enemy to escape unpunished.

Jugurtha had no intention of being caught in the Roman camp; but it was not so easy to get out as it had been to come in. Some of his men were jammed in the exits, while others threw themselves over the ramparts; Marius took full advantage of the rout, and it was with many losses that Jugurtha shook himself free of his pursuers and retreated to his own fastnesses. Soon the approach of night brought the siege operations to an end. Metellus drew off his men and led them back to camp after a day's experience that did not leave a pleasant retrospect behind it. Warned by its incidents that the cavalry should be posted nearer to the camp, he began the work of the following day by disposing the whole of this force over that quarter of the ground on which the king had made his appearance;[1] more definite arrangements were also made for the detailed defence of the Roman lines, and the assault of the previous day was renewed on the walls of Zama. Yet in spite of these elaborate precautions Jugurtha's coming was in the nature of a surprise. The silence and swiftness of his onset threw the first contingents of Romans whom he met into momentary panic and confusion; but reserves were soon moved up and restored the fortune of the day. They might have turned it rapidly and wholly, but for a tactical device which Jugurtha had adopted as a means of neutralising the superior stability of the Romans—a means which permitted him to show a persistence of frontal attack unusual with the Numidians. He had mingled light infantry with his cavalry; the latter charged instead of merely skirmishing, and before the breaches which they had made in the enemy's ranks could be refilled, the foot soldiers made their attack on the disordered lines.[2]

Jugurtha's object was being fulfilled as long as he could remain

[1] Sall. *Jug.* 59. 1. [2] *Ibid.* 59. 3.

in the field to effect this type of diversion and draw off considerable forces from the walls of Zama. But his ingenious efforts attracted the attention of the besieged as well as of the besiegers. It is true that, when the assault was hottest, the citizens of Zama did not permit their minds or eyes to stray; but there were moments following the repulse of some great effort when the energy of the assailants flagged and there was a lull in the storm of sound made by human voices and the clatter of arms. Then the men on the walls would look with strained attention on the cavalry battle in the plain, would follow the fortunes of the king with every alternation of joy or fear, and shout advice or exhortation as though their voices could reach their distant friends.[1] Marius, who conducted the assault at that portion of the wall which commanded this absorbing view, formed the idea of encouraging this distraction of attention by a feint and seizing the momentary advantage which it afforded. A remissness and lack of confidence was soon visible in the efforts of his men, and the undisturbed interest of the Numidians was speedily directed to the manœuvres of their monarch in the plain. Suddenly the assault burst on them in its fullest force; before they could brace themselves to the surprise, the foremost Romans were more than half-way up the scaling ladders. But the height was too great and the time too short. Stones and fire were again poured on the heads of the assailants. It was some time before their confidence was shaken; but when one or two ladders had been shattered into fragments and their occupants dashed down, the rest—most of them already covered with wounds—glided to the ground and hastened from the walls. This was the last effort. The night soon fell and brought with it, not merely the close of the day's work, but the end of the siege of Zama.

Metellus saw that neither of his objects could be fulfilled. The town could not be taken nor would Jugurtha permit himself to be brought to the test of a regular battle.[2] The fighting season was now drawing to its close and he must think of winter quarters for his army. He determined, not only to abandon the siege, but to quit Numidia and to winter in the Roman province. The sole relic of the fact that he had marched an army through the territory between Vaga and Zama were a few garrisons left in such of the

[1] Sall. *Jug.* 60. 4. [2] *Ibid.* 61. 1.

surrendered cities as seemed capable of defence. The despatches of this winter would not cheer the people or encourage the senate. The policy of invasion had failed; and, if success was to be won, it could be accomplished by intrigue alone. Metellus, when the leisure of winter quarters gave him time to think over the situation, decided that scattered negotiations with lesser Numidian magnates would prove as delusive in the future as they had in the past. The king's mind must be mastered if his body was to be enslaved; but it was a mind that could be conquered only by confidence, and to secure this influence it was necessary to approach the monarch's right-hand man. This man was Bomilcar, the most trusted general and adviser of Jugurtha—trusted all the more perhaps in consequence of the delusion, into which even a Numidian king might fall, that the man who owes his life to another will owe him his life-long service as well. A more reasonable ground for Bomilcar's attachment might have been found in the consideration that, in the eyes of Rome, he was as deeply compromised as Jugurtha himself—from an official point of view, indeed, even more deeply compromised; for to the Roman law he was an escaped criminal over whose head still hung a capital charge of murder.[1] But might not that very fact urge the minister to make his own compact with Rome? His life depended on the king's success, or on the king's refusal to surrender him if peace were made with Rome; it depended therefore on a double element of doubt. Make that life a certainty, and would any Numidian longer balance the doubt against the certainty? Such was the thought of Metellus when he opened correspondence with Bomilcar. The minister wished to hear more, and Metellus arranged a secret interview. In this he gave his word of honour that, if Bomilcar handed over Jugurtha to him living or dead, the senate would grant him impunity and the continued possession of all that belonged to him. The Numidian accepted the promise and the condition it involved; his mind was chiefly swayed by the fear that a continuance of the even struggle might result in a compromise with Rome, and that his own death at the hands of the executioner would be one of the conditions of that compromise.

What passed between Bomilcar and Jugurtha can never have been known. The king had no reason to regret the exploits of the

[1] Sall. *Jug.* 61. 4. *Cf.* p. 365.

year, and an appeal to the desperate nature of his position would have been somewhat out of place. But some of the reflections of Bomilcar, preserved or invented by tradition,[1] which pointed to weakness and danger in the future, may conceivably have been expressed. It was true that the war was wasting the material strength of the kingdom; it might be true that it would wear out the constancy of the Numidians themselves and induce them to put their own interests before those of their king. Such arguments could never have weighed with Jugurtha had not his recent success suggested the hope of a compromise; as a beaten fugitive he would have had nothing to hope for; as a man who still held his own he might win much by a ready compact with a Roman general in worse plight than himself. It seems certain that Jugurtha was for the first time thoroughly deceived. His judgment, sound enough in its estimate of the general situation, must have been led astray by Bomilcar's representation of Metellus's attitude, although the minister could not have hinted at a personal knowledge of the Roman's views; and his confidence in his adviser led to this rare and signal instance of a total misconception of the character and powers of his adversary.

Some preliminary correspondence probably passed between Jugurtha and Metellus before the king sent his final message.[2] It was to the effect that all the demands would be complied with, and that the kingdom and its monarch would be surrendered unconditionally to the representative of Rome. Metellus immediately summoned a council, to which he gave as representative a character as was possible under the circumstances. The transaction of delicate business by a clique of friends had cast grave suspicions on the compact concluded by Bestia; and it was important that the witnesses to the fact that the transaction with Jugurtha contained no secret clause or understanding, should be as numerous and weighty as possible. This result could be easily secured by the general's power to summon all the men of mark available; and thus Metellus called to the board not only every member of the senatorial order whom he could find, but a certain number of distinguished individuals who did not belong to the governing class.[3] The policy

[1] Sall. *Jug.* 62. 1.

[2] Mittuntur ad imperatorem legati, qui Jugurtham imperata facturum dicerent (*Ibid.* 62. 3). The word *imperata* implies previous negotiations.

[3] Metellus propere cunctos senatorii ordinis ex hibernis accersi jubet: eorum et aliorum, quos idoneos ducebat, consilium habet (*Ibid.* 62. 4).

of the board was to make tentative and gradually increasing demands such as had once tried the patience of the Carthaginians.[1] Jugurtha should give a pledge of his good faith; and, if it was unredeemed, Rome would have the gain and he the loss. The king was now ordered to surrender two hundred thousand pounds of silver, all his elephants and a certain quantity of horses and weapons.[2] He was also required to furnish three hundred hostages.[3] The request, at least as regards the money and the materials for war, was immediately complied with. Then the demands increased. The deserters from the Roman army must be handed over. A few of these had fled from Jugurtha at the very first sign that a genuine submission was being made, and had sought refuge with Bocchus King of Mauretania;[4] but the greater part, to the number of three thousand,[5] were surrendered to Metellus. Most of these were auxiliaries, Thracians and Ligurians such as had abandoned Aulus at Suthul; and the sense of the danger threatened by the treachery of allies, who must form a vital element in all Roman armies, may have been the motive for the awful example now given to the empire of Rome's punishment for breach of faith. Some of these prisoners had their hands cut off; others were buried in the earth up to their waists, were then made a target for arrows and darts, and were finally burnt with fire before the breath had left their bodies.[6] The final order concerned Jugurtha himself. He was required to repair to a place named Tisidium,[7] there to wait for orders. The confidence of the king now began to waver. He may have hoped to the last moment for some sign that his cause was being viewed with a friendly eye; but none had come. Surrender to Rome was a thinkable position, while he was in a position to bargain. It would be the counsel of a madman, if he put himself wholly in the power of his enemy. He had sacrificed much; but the loss, except in money, was not irremediable. Elephants were of no avail in guerilla warfare, and Numidia, which was still his own, had horses and men in abundance. He waited some days longer, probably more in expectancy of a move by Metellus and in preparation of the step he himself meant to take, than in doubt as to what that step should be; when no modification of the

[1] Ihne *Röm. Gesch.* v. p. 146.
[2] Sall. *Jug.* 62. 5. Orosius (v. 15. 7) adds that Jugurtha promised corn and other supplies.
[3] Oros. *l.c.* [4] Sall. *Jug.* 62. 7. [5] Oros. *l.c.*
[6] App. *Num.* 3. [7] Its site is unknown.

demand came from the Roman side, he broke off negotiations and continued the war. Metellus was still to be his opponent; for earlier in the year the proconsulate of the commander had been renewed.[1]

The events of the summer and the peace of winter-quarters had given food for reflection to others besides Metellus. We shall soon see what the merchant classes in Africa thought of the progress of the war; more formidable still were the emotions that had lately been excited in the rugged breast of the great legate Marius. There are probably few lieutenants who do not think that they could do better than their commanders. Whether Marius held this view is immaterial; he soon came to believe that he did, and expressed this belief with vigour. The really important fact was that a man who had been praetor seven years before and probably regarded himself as the greatest soldier of the age, was carrying out the behests and correcting the blunders of a general who owed his command to his aristocratic connections and blameless record in civil life. The subordination in this particular form seemed likely to be perpetuated in Numidia, for Metellus was entering on his second proconsulate and his third year of power; in other forms and in every sphere it was likely to be eternal, for it was an accepted axiom of the existing régime that no "new man" could attain the consulship.[2] The craving for this office was the new blight that had fallen on Marius's life; for it is the ambition which is legitimate that spreads the most morbid influence on heart and brain. But the healthier part of his soul, which was to be found in that old-fashioned piety so often maligned by the question-begging name of superstition, soon came to the help of the worldly impulse which the strong man might have doubted and crushed. On one eventful day in Utica Marius was engaged in seeking the favour of the gods by means of sacrificial victims. The seer who was interpreting the signs looked and exclaimed that great and wonderful things were portended. Let the worshipper do whatsoever was in his mind; he had the support of the gods. Let him test fortune never so often, his heart's desire would be fulfilled.[3]

The gods had given a marvellous response in the only way in

[1] Romae senatus de provinciis consultus Numidiam Metello decreverat (Sall. *Jug.* 62. 10). It is possible that the senate merely abstained from making Numidia a consular province. See Summers *in loc.* and *cf.* p. 222.

[2] Etiam tum alios magistratus plebs, consulatum nobilitas inter se per manus tradebat. Novos nemo tam clarus neque tam egregiis factis erat, quin is indignus illo honore et quasi pollutus haberetur (*Ibid.* 63. 6).

[3] *Ibid.* 63. 1.

which the gods could answer. They did not suggest, but they could confirm, and never was confirmation more emphatic. Marius's last doubts were removed, and he went straightway to his commander and asked for leave of absence that he might canvass for the consulship in that very year. Metellus was a good patron; that is, he was a bad friend. The aristocratic bristles rose on the skin that had seemed so smooth. At first he expressed mild wonder at Marius's resolution—the wonder that is more contemptuous than a gibe—and exhorted him in words, the professedly friendly tone of which must have been peculiarly irritating, not to let a distorted ambition get the better of him; every one should see that his desires were appropriate and limit them when they passed this stage; Marius had reason to be satisfied with his position; he should be on his guard against asking the Roman people for a gift which they would have a right to refuse. There was no suspicion of personal jealousy in these utterances; they reflected the standard of a caste, not of a man. But Marius had measured the situation, and was not to be deterred by its being presented again in a galling but not novel form. A further request was met by the easy assumption that the matter was not so pressing as to brook no delay; as soon as public business admitted of Marius's departure, Metellus would grant his request. Still further entreaties are said to have wrung from the impatient proconsul, whose good advice had been wasted on a boor who did not know his place and could take no hints, the retort that Marius need not hurry; it would be time enough for him to canvass for the consulship when Metellus's own son should be his colleague.[1] The boy was about twenty, Marius forty-nine. The prospective consulship would come to the latter when he had reached the mature age of seventy-two. The jest was a blessing, for anything that justified the whole-hearted renunciation of patronage, the dissolution of the sense of obligation, was an avenue to freedom. Marius was now at liberty to go his own way, and he soon showed that there was enough inflammable material in the African province to burn up the credit of a greater general than Metellus.

It is said that the division of the army, commanded by Marius, soon found itself enjoying a much easier time than before;[2] the

[1] Sall. *Jug.* 64. 4.

[2] Milites quibus in hibernis praeerat laxiore imperio quam antea habere (*Ibid.* 64. 5).

stern legate had become placable, if not forgetful—a circumstance which may be explained either by the view that a care greater than that of military discipline sat upon his mind, or by a belief that the new-born graciousness was meant to offer a pleasing contrast to the rigour of Metellus. But in this case the civilian element in the province was of more importance than the army. The merchant-princes of Utica, groaning over the vanished capital which they had invested in Numidian concerns, heard a criticism and a boast which appealed strongly to their impatient minds. Marius had said, or was believed to have said, that if but one half of the army were entrusted to him, he would have Jugurtha in chains in a few days;[1] that the war was being purposely prolonged to satisfy the empty-headed pride which the commander felt in his position. The merchants had long been reflecting on the causes of the prolongation of the war with all the ignorance and impatience that greed supplies; now these causes seemed to be revealed in a simple and convincing light.

The unfortunate house of Masinissa was also made to play its part in the movement. It was represented in the Roman camp by Gauda son of Mastanabal, a prince weak both in body and mind, but the legitimate heir to the Numidian crown, if it was taken from Jugurtha and Micipsa's last wishes were fulfilled. For the old king in framing his testament had named Gauda as heir in remainder to the kingdom, if his two sons and Jugurtha should die without issue.[2] The nearness of the succession, now that the reigning king of Numidia was an enemy of the Roman people, had prompted the prince to ask Metellus for the distinctions that he deemed suited to his rank, a seat next that of the commander-in-chief, a guard of Roman knights[3] for his person. Both requests had been refused—the place of honour because it belonged only to those whom the Roman people had addressed as kings, the guard, because it was derogatory to the knights of Rome to act as escort to a Numidian. The prince may have taken the refusal, not merely as an insult in itself, but as a hint that Metellus did not recognise him as a

[1] Sall. *Jug.* 64. 5.

[2] *Ibid.* 65. 1 Erat praeterea in exercitu nostro Numida quidam nomine Gauda, Mastanabalis filius, Masinissae nepos, quem Micipsa testamento secundum heredem scripserat, morbis confectus et ob eam causam mente paulum inminuta.

[3] Turmam equitum Romanorum (*Ibid.* 65. 2). It appears, therefore, that *equites equo publico*, although seldom (if ever) used as cavalry at this time, still formed the escort of generals or princes.

probable successor to Jugurtha. He was in an anxious and moody frame of mind when he was approached by Marius and urged to lean on him, if he would gain satisfaction for the commander's contumely. The glowing words of his new friend made hope appeal to his weak mind almost with the strength of certainty. He was the grandson of Masinissa, the immediate occupant of the Numidian throne, should Jugurtha be captured or slain; the crown might be his at no distant date, should Marius be made consul and sent to the war. He should make appeal to his friends in Rome to secure the means which would lead to the desired end. The ship that bore the prince's letter to Rome took many other missives from far more important men—all of them with a strange unanimity breathing the same purport, "Metellus was mismanaging the war, Marius should be made commander". They were written by knights in the province—some of them officers in the army, others heads of commercial houses[1]—to their friends and agents in Rome. All of these correspondents had not been directly solicited by Marius, but in some mysterious way the hope of peace in Africa had become indissolubly associated with his name. The central bureau of the great mercantile system would soon be working in his favour. Who would withstand it? Certainly not the senate still shaken by the Mamilian law; still less the people who wanted but a new suggestion to change the character of their attack. All things seemed working for Marius.

It was soon shown that, whoever the future commander of Numidia was to be, he would have a real war on his hands; for the struggle had suddenly sprung into new and vigorous life, and one of the few permanent successes of Rome was annihilated in a moment by the craft of the reawakened Jugurtha. The preparations of the king must have been conjectured from their results; their first issue was a complete surprise; for few could have dreamed that the personal influence of the monarch, who had given away so much for an elusive hope of safety and had almost been a prisoner in the Roman lines, should assert itself in the very heart of the country believed to be pacified and now held by Roman garrisons. The town of Vaga, the intended basis of supplies for an army advancing to the south or west, the seat of an active commerce and the home of merchants from many lands who traded under the

[1] Equites Romanos, milites et negotiatores (Sall. *Jug.* 65. 4).

aegis of the Roman peace and a Roman garrison perched on the citadel,[1] was suddenly thrilled by a message from the king, and answered to the appeal with a burst of heartfelt loyalty—a loyalty perhaps quickened by the native hatred of the ways of the foreign trader. The self-restraint of the patriotic plotters was as admirable as their devotion to a cause so nearly lost. Many hundreds must have been cognisant of the scheme, yet not a word reached the ears of those responsible for the security of the town. Even the poorest conspirator did not dream of the fortune that might be reaped from the sale of so vast a secret, and the Roman was as ignorant of the hidden significance of native demeanour as he was of the subtleties of the native tongue. In eye and gesture he could read nothing but feelings of friendliness to himself, and he readily accepted the invitation to the social gathering which was to place him at the mercy of his host.[2] The third day from the date at which the plot was first conceived offered a golden opportunity for an attack which should be unsuspected and resistless. It was the day of a great national festival, on which leisured enjoyment took the place of work and every one strove to banish for the time the promptings of anxiety and fear. The officers of the garrison had been invited by their acquaintances within the town to share in their domestic celebrations. They and their commandant, Titus Turpilius Silanus, were reclining at the feast in the houses of their several hosts when the signal was given. The tribunes and centurions were massacred to a man; Turpilius alone was spared; then the conspirators turned on the rank and file of the Roman troops. The position of these was pitiable. Scattered in the streets, without weapons and without a leader, they saw the holiday throng around them suddenly transformed into a ferocious mob. Even such of the meaner classes as had up to this time been innocent of the murderous plot, were soon baying at their heels; some of these were hounded on by the conspirators; others saw only that disturbance was on foot, and the welcome knowledge of this fact alone served to spur them to a senseless frenzy of assault. The Roman soldiers were merely victims; there was never a chance of a struggle which would make the sacrifice costly, or even difficult.[3] The citadel, in which their shields and standards hung, was in the occupation of the foe; when they sought the city gates, they

[1] P. 388. [2] Sall. *Jug.* 66. 3. [3] *Ibid.* 67.

found the portals closed; when they turned back upon the streets, the line of fury was deeper than before, for the women and the very children on the level housetops were hurling stones or any missiles that came to hand on the hated foreigners below. Strength and skill were of no avail; such qualities could not even prolong the agony; the veteran and the tyro, the brave and the shrinking, were struck or cut down with equal ease and swiftness. Only one man succeeded in slipping through the gates. This was the commandant Turpilius himself. Even the lenient view that a lucky chance or the pity of his host had given him his freedom, did not clear him of the stain which the tyrannical tradition of Roman arms stamped on every commander who elected to survive the massacre of the division entrusted to his charge.[1]

When the news was brought to Metellus, the heart-sick general buried himself in his tent.[2] But his first grief was soon spent, and his thoughts turned to a scheme of vengeance on the treacherous town. Rapidly and carefully the scheme was unfolded in his mind, and by the setting of the sun the first steps towards the recovery of Vaga had been taken. In the dusk he left his camp with the legion which had been stationed in his own quarters and as large a force of Numidian cavalry as he could collect. Both horse and foot were slenderly equipped, for he was bent on a surprise and a long and hard night's march lay before him. He was still speeding on three hours after the sun had risen on the following day. The tired soldiers cried a halt, but Metellus spurred them on by pointing to the nearness of their goal (Vaga, he showed, was but a mile distant, just beyond the line of hills which shut out their view), the sanctity of the work of vengeance, the certainty of a rich reward in plunder. He paused but to reform his men. The cavalry were deployed in open order in the van; the infantry followed in a column so dense that nothing distinctive in their equipment or organisation could be discerned from afar, and the standards were carefully concealed.[3] When the men of Vaga saw the force bearing down upon their town, their first and right impression led them to

[1] Sall. *Jug.* 67. 3 Turpilius praefectus unus ex omnibus Italicis intactus profugit. Id misericordiane hospitis an pactione an casu ita evenerit, parum comperimus: nisi, quia illi in tanto malo turpis vita integra fama potior fuit, inprobus intestabilisque videtur.

[2] *Ibid.* 68. 1.

[3] *Ibid.* 68. 4 Equites in primo late, pedites quam artissume ire et signa occultare jubet.

close the gates; but two facts soon served to convince them of their error. The supposed enemy was not attempting to ravage their land, and the horsemen who rode near the walls were clearly men of Numidian blood. It was the king himself, they cried, and with enthusiastic joy they poured from the gates to meet him. The Romans watched them come; then at a given signal the closed ranks opened, as each division rushed to its appointed task. Some charged and cut in pieces the helpless multitude that had poured upon the plain; others seized the gates, others again the now undefended towers on the walls. All sense of weariness had suddenly vanished from limbs now stimulated by the lust of vengeance and of plunder. The slaughter was pitiless, the search for plunder as thorough as the slaughter. The war had not yet given such a prize as this great trading town. Its ruin was the general's loss as it was the soldiers' gain; but the need for rapid vengeance vanquished every other sentiment in Metellus's mind. Roman punishment was as swift as it was sure, if but two days could elapse between the sin and the suffering of the men of Vaga. A gloomy task still remained. Inquiry must be made as to the mode in which Turpilius the commandant had escaped unharmed from the massacre. The investigation was a bitter trial to Metellus; for the accused was bound to him by close ties of hereditary friendship, and had been accredited by him with the command of the corps of engineers.[1] The command at Vaga had been a further mark of favour, and it was believed by some that Turpilius had justified his commander's hopes only too well, and that it was his very humanity and consideration for the townsfolk under his command which had offered him means of escape such as only the most resolute would have refused.[2] But the scandal was too grave to admit of a private inquiry, in which the honour of the army might seem to be sacrificed to the caprice of the friendly judgment of Metellus. His very familiarity with the accused entailed the duty of a cold impartiality, and Turpilius found little credence or excuse for the tale that he unfolded before the members of the court which adjudicated on his case. The harsh view of Marius was particularly recalled in the light of subsequent events. The fact or fancy that it was Marius who had himself condemned

[1] Plut. *Mar.* 8 οὗτος γὰρ ὁ ἀνὴρ ἦν μὲν ἐκ πατέρων ξένος τῷ Μετέλλῳ καὶ τότε τὴν ἐπὶ τῶν τεκτόνων ἔχων ἀρχὴν συνεστράτευε.

[2] Plut. *l.c.*

and had urged his brother judges to deliver an adverse vote, was seized by the gatherers of gossip, ever ready to discover a sinister motive in the actions of the man who never forgot, was embedded in that prose epic of the "Wrath of Marius" which subsequently adorned the memoirs of the great, and became a story of how the relentless lieutenant had, in malignant disregard of his own convictions, caused Metellus to commit the inexpiable wrong of dooming a guest-friend to an unworthy death.[1] The death was inflicted with all the barbarity of Roman military law; Turpilius was scourged and beheaded,[2] and through this final expiation the episode of Vaga remained to many minds a still darker horror than before.

But much had been gained by the recovery of the revolted town. It is true that in its present condition it was almost useless to its possessors; but its fate must have stayed the progress of revolt in other cities, and the rapidity of Metellus's movements had hampered Jugurtha's immediate plans. The king had probably intended that Vaga should be a second Zama, and that the Romans should be kept at bay by its strong walls while he himself harassed their rear or attacked their camp. Now the scene of a successful guerilla warfare must be sought elsewhere. Its choice depended on the movements of the Roman army; but the time for the commencement of the new struggle was postponed longer than it might have been by a domestic danger which, while it confirmed the king in his resolution to struggle to the bitter end, absorbed his attention for the moment and hampered his operations in the field. Bomilcar's negotiations with Rome were bearing their deadly fruit.[3] The minister was a victim of that expectant anguish, which springs from the failure of a treacherous scheme, when the cause of that failure is unknown. Why had the king broken off the negotiations? Was he himself suspected? Would the danger be lessened, if he remained quiescent? It might be increased, for the peril from Rome still existed, and there was the new terror from the vengeance of a master, whose suspicion seemed to his affrighted soul to be

[1] Plut. *l.c.*

[2] Sall. *Jug.* 69. 4 Turpilius . . . condemnatus verberatusque capite poenas solvit: nam is civis e Latio erat. If the last words mean that Turpilius was a Latin, they may show that the law of Drusus (p. 242), if passed, was no longer respected. If they mean that he was a Roman citizen from a Latin town, they illustrate this law. Appian (*Num.* 3) says that Turpilius was a Roman (ἄνδρα Ῥωμαῖον).

[3] Sall. *Jug.* 70.

revealing itself in a cold neglect. Bomilcar determined that he would face but a single peril, and plunged into a course of intrigue far more dangerous than any which he had yet essayed. He no longer worked through underlings or appealed to the emissaries of Rome. He aimed at internal revolution, at the fall of the king by the hands of his servants—a stroke which he might exhibit to the suzerain power as his own meritorious work—and he adopted as a confidant a man of his own rank and at the moment of greater influence than himself. Nabdalsa was the new favourite of Jugurtha. He was a man of high birth, of vast wealth, of great and good repute in the district of Numidia which he ruled. His fame and power had been increased by his appointment to the command of such forces as the king could not lead in person, and he was now operating with an army in the territory between the head-quarters of Jugurtha and the Roman winter camp, his mission being to prevent the country being overrun with complete impunity by the invaders. His reason for listening to the overtures of Bomilcar is unknown; perhaps he knew too much of the military situation to believe in his master's ultimate success, and aimed at securing his own territorial power by an appeal to the gratitude of Rome. But he had not his associate's motive for hasty execution; and when Bomilcar warned him that the time had come, his mind was appalled by the magnitude of a deed that had only been prefigured in an ambiguous and uncertain shape. The time for meeting came and passed. Bomilcar was in an agony of impatient fear. The doubtful attitude of his associate opened new possibilities of danger; a new terror had been added to the old, and the motive for despatch was doubled. His alarm found vent in a brief but frantic letter which mingled gloomy predictions of the consequences of delay with fierce protestations and appeals. Jugurtha, he urged, was doomed, the promises of Metellus might at any moment work the ruin of them both, and Nabdalsa's choice lay between reward and torture.[1]

When this missive was delivered by a faithful hand, the general, tired in mind and body, had stretched himself upon a couch. The fiery words did not stimulate his ardour; they plunged him still deeper in a train of anxious thought, until utter weariness gave way to sleep. The letter rested on his pillow. Suddenly the covering of the tent door was noiselessly raised. His faithful secretary, who

[1] Proinde reputaret cum animo suo, praemia an cruciatum mallet (Sall. *Jug.* 70. 6).

believed that he knew all his master's secrets, had heard of the arrival of a courier. His help and skill would be needed, and he had anticipated Nabdalsa's demand for his presence. The letter caught his eye; he lightly picked it up and read it, as in duty bound—for did he not deal with all letters, and could there be aught of secrecy in a paper so carelessly laid down? The plot now flashed across his eyes for the first time, and he slipped from the tent to hasten with the precious missive to the king. When Nabdalsa awoke, his thoughts turned to the letter which had harassed his last waking moments. It was gone, and he soon found that his secretary had disappeared as well. A fruitless attempt to pursue the fugitive convinced him that his only hope lay in the clemency, prudence or credulity of Jugurtha. Hastening to his master, he assured him that the service which he had been on the eve of rendering had been anticipated by the treachery of his dependent; let not the king forget their close friendship, his proved fidelity; these should exempt him from suspicion of participation in such a horrid crime.

Jugurtha replied in a conciliatory tone.[1] Neither then nor afterwards did he betray any trace of violent emotion. Bomilcar and many of his accomplices were put to death swiftly and secretly; but it was not well that rumours of a widely spread treason should be noised abroad. The pretence of security was a means of ensuring safety, and he had to ask too much of his Numidians to indulge even the severity that he held to be his due. Yet it was believed that the tenor of Jugurtha's life was altered from that moment. It was whispered that the bold soldier and intrepid ruler searched dark corners with his eyes and started at sudden sounds, that he would exchange his sleeping chamber for some strange and often humble resting place at night, and that sometimes in the darkness he would start from sleep, seize his sword and cry aloud, as though maddened by the terror of his dreams.

The news of the fall of Bomilcar swept from Metellus's mind the last faint hope that the war might be brought to a speedy close by the immediate surrender of Jugurtha,[2] and he began to make earnest preparations for a fresh campaign. In the new struggle he was to be deprived of the services of his ablest officer, for Marius had at length gained his end and had won from his

[1] Sall. *Jug.* 72. [2] *Ibid.* 73.

commander a tardy permit to speed to Rome and seek the prize, which was doubtless still believed in the uninformed circles of the camp to be utterly beyond his grasp. The consent, though tardy, was finally given with a good will, for Metellus had begun to doubt the wisdom of keeping by his side a lieutenant whose restless discontent and growing resentment to his superior were beyond all concealment. Marius must have wished that his general's choler had been stirred at an earlier date, for the leave had been deferred to a season which would have deterred a less strenuous mind from all thoughts of a political campaign during the current year. Delay, however, might be fatal; the war might be brought to a dazzling close before the consular elections again came round; the political balance at Rome might alter; it was necessary to reap at once the harvest of mercantile greed and popular distrust that had been so carefully prepared. It is possible that the usual date for the elections had already been passed and that it was only the postponement of the Comitia that gave Marius a chance of success.[1] Even then it was a slender one, for it was believed in later times that his leave had been won only twelve days before the day fixed for the declaration of the consuls.[2] In two days and a night he had covered the ground that lay between the camp and Utica. Here he paused to sacrifice before taking ship to Italy. The cheering words of the priest who read the omens[3] seemed to be approved by the good fortune of his voyage. A favourable wind bore him in four days across the sea, and he reached Rome to find men craving for his presence as the crowning factor in a popular movement, delightful in its novelty and entered into with a genuine enthusiasm by the masses, who were fully conscious that there was a wrong of some undefined kind to be set right, and were as a whole perhaps blissfully ignorant of the intrigues by which they were being moved. Yet the thinking portion of the community had some grounds for resentment and alarm. The Numidian was not merely injuring those interested in African finance, but was engaging an army that was sadly needed elsewhere. The struggle in the North was going badly for Rome, and despatches had lately brought the

[1] Meinel (*Zur Chronologie des Jugurth. Krieges* p. 13) thinks that the consular elections of 108 did not take place before the winter, and that they may even have drifted over into the following year.

[2] Plut. *Mar.* 8.

[3] Plut. *l.c.* It is possible that this story and that of Sallust (*Jug.* 63 see p. 410 about the sacrifice at Utica belong to the same incident. But it is not probable A man such as Marius would often approach a favourite shrine.

news of the defeat of the consul Silanus by a vast and wandering horde known as the Cimbri,[1] who hovered like a threatening cloud on the farther side of the Alps and might at no distant date sweep past the barrier of Italy. The senatorial government, although its position had not been formally assailed, had been sufficiently shaken by the Mamilian commission to distrust its power of stemming an adverse tide; and Scaurus, its chief bulwark, had lately been so ill-advised as to force a conflict with constitutional procedure in a way which could not be approved by a class of men to which the smallest precedent of political life that had once been stereotyped, appealed as a vital element in administration. He had spoilt a magnificent display of energy during his tenure of the censorship—an energy that issued in the rebuilding of the Mulvian bridge[2] and in the continuance of the great coast road[3] from Etruria past Genua to Dertona in the basin of the Po—by an unconstitutional attempt to continue in his office after the death of his colleague. His resignation had been enforced by some of the tribunes;[4] and the great man seems still to have been under the passing cloud engendered by his own obstinate ambition, when the intrigues of the ever-dreaded coalition of the mercantile classes and the popular leaders were completed by the arrival of Marius.

This new figurehead of the democracy had a comparatively easy part assigned him. Had it been necessary for him to persuade, he would probably have failed, for he lacked the gifts of the orator and the suppleness of the intriguer; but he was expected only to confirm, and better confirmation was to be gained from his martial bearing and his rugged manner than from his halting words. The speaking might be done by others more practised in the art; a few words of harsh verification from this living exemplar of the virtues of the people were all that was demanded. His censure of Metellus was followed by a promise that he would take Jugurtha alive or dead.[5] The censure and the promise gave the text for a fiery stream of opposition oratory. Threats of prosecuting Metellus on a capital charge were mingled with passionate assertions of confidence in the true soldier who could vindicate the honour of Rome. The excitement spread even beyond the lazier rabble of the city. Honest artisans, who were usually untouched by the delirious forms

[1] Liv. *Ep.* lxv. [2] [Victor] *de Vir. Ill.* 72; Ammian. xxvii. 3. 9.
[3] The *via Aemilia* [Victor] *l.c.*; Strabo v. 1. 11).
[4] Plut. *Quaest. Rom.* 50. [5] Plut. *Mar.* 8.

of politics, and even thrifty country farmers,[1] to whom time meant money at this busy season of the year, were drawn into the throng that gazed at Marius and listened to the burning words of his supporters. Against such a concourse the nobility and its dependents could make no head. The people who had come to listen stayed to vote, and the suffrage of the centuries gave the "new man" as a colleague to Lucius Cassius Longinus. But this triumph was but the prelude to another. The people, now assembled in the plebeian gathering of the tribes, were asked by the tribune Titus Manlius Mancinus whom they willed to conduct the war against Jugurtha. The answer "Marius" was given by overwhelming numbers, and the decision already reached by the senate was brushed aside. That body had, in the exercise of its legal authority, determined the provinces which should be administered by the consuls of the coming year.[2] Numidia had not been one of these, for it had unquestionably been destined for Metellus. Gaul, on the other hand, called for the presence of a consul and a soldier; and the senate, although it had no power to make a definite appointment to this province, had perhaps intended that Marius, if elected, should be entrusted with its defence. Had this resolution been adopted, the paths of Marius and Metellus would have ceased to cross; the Numidian war, which demanded patience and diplomacy but not genius, might have dwindled gradually away; and the barbarians of the North might have yielded to their future victor before they had established their gloomy record of triumphs over the arms of Rome. But this was not to be. The party triumph would be incomplete if the senate's nominee was not ousted from his command. We cannot say whether Marius shared in the blindness which saw a more glorious field for military energy in Numidia than in Gaul; personal rivalry and political passion may have already blunted the instincts of the soldier. But, whatever his thoughts may have been, his actions were

[1] Sall. *Jug.* 73. 6 Denique plebes sic accensa, uti opifices agrestesque omnes, quorum res fidesque in manibus sitae erant, relictis operibus frequentarent Marium et sua necessaria post illius honorem ducerent. The labours, from which the *agrestes* were drawn, may have been those of early spring, if the elections were delayed until the early part of 107 B.C. (See p. 420, Meinel *l.c.*)

[2] *Ibid.* 73. 7 Sed paulo *ante senatus Metello Numidiam* decreverat: ea res frustra fuit. The words in italics are not given by the good manuscripts; they are perhaps an interpolation drawn from ch. 62. See Summers *in loc.* It is possible that some mention of the provinces which the senate had decreed to the new consuls stood here. Mommsen (*Hist. of Rome* bk. iv. c. 4) thinks that the passage may have contained a statement that the senate had destined Gaul and Italy for the consuls.

determined by a superior force. He was but a pawn in the hands of tribunes and capitalists; he had made promises which had raised hopes, definitely commercial and vaguely political. These hopes it must be his mission to fulfil. Before quitting Rome he found words[1] which vented all the spleen of the classes screened out of office by the close-drawn ring of the nobility. The platitudes of merit, tested by honest service and approved by distinctions won in war, were advanced against the claims of birth; the luxurious life of the nobility was gibbeted on the ground that sensuality was a bar to energy and efficiency; even the elegant and conscientious taste of the cultured commander, who supplied the defects of experience by the perusal of Greek works on military tactics during his journey to the scene of war, was held up to criticism as a sign that the vain and ignorant amateur was usurping the tasks that belonged to the tried and hardy expert.[2] Fortunately the energy of Marius was better expended on deeds than words. Whether the African war really required a more vigorous army than that serving under Metellus, might be an open question. Marius pretended that the need was patent, and exhibited the greatest energy in beating up veteran legionaries and attracting to his standard such of the Latin allies as had already approved their skill in service.[3] The senate lent a ready hand. Nothing was more unpopular than a drastic levy, and the favourite might fail when he called for a fulfilment of the brave language that had been heard on every side. But the confidence in the new commander baffled its hopes; the conscripts were marching to glory not to danger, and the supplementary army, that was to avert a phantom peril and save an imaginary situation, was soon enrolled. Such a demonstration had often been seen before in Rome; the energy of an ambitious commander had with lamentable frequency rebuked the indolence or confidence of his predecessor, and Marius was but following in the footsteps of Bestia and Albinus. The real merits of his labours were due to his freedom from a strange superstition which had hitherto clung to the minds even of the best commanders that the later Republic had produced. They had continued to hold the theory that the effective soldier must be a man of means

[1] Sall. *Jug.* 85.

[2] *Ibid.* 85. 12 Atque ego scio, Quirites, qui, postquam consules facti sunt, et acta majorum et Graecorum militaria praecepta legere coeperint—praeposteri homines: nam gerere quam fieri tempore posterius, re atque usu prius est.

[3] *Ibid.* 84. 2.

—a belief inherited from the simple days of border warfare, when each conscript supplied his panoply and the landless man could serve only as a half-armed skirmisher. For ages past the principle had been breaking down. The vast forces required for foreign wars demanded a wider area for the conscription; but this area, as defined by the old conditions of service, so far from increasing, was ever becoming less.[1] In the age of Polybius the minimum qualification requisite for service in the legions had sunk from eleven thousand to four thousand asses;[2] later it had been reduced to a yet lower level;[3] but, in spite of these concessions to necessity, the senate had refused to accept the lesson, taught by the military needs of the State and the social condition of Italy, that an empire cannot be garrisoned by an army of conscripts. The legal power to effect a radical alteration had long been in their hands; for the poorer proletariate of Rome whom the law described as the men assessed "on their heads," not on their holdings, had probably been liable to military service of any kind in time of need.[4] Perhaps it was mere conservatism, perhaps it was a faint perception of the truth that an armed rabble is fonder of men than institutions, and an appreciation of the fact that the hold of the nobility over the capital would be weakened if their clients were allowed to don the armour which made them men, that had kept the senate within the strait limits of the antiquated rules. Fortunately, however, the methods of raising an army depended almost entirely on the discretion of the general engaged on the task. Did he employ the conscription in a manner not justified by convention, he might be met by resistance and appeals; but, if he chose to invite to service, there was no power which could prescribe the particular modes in which he should employ the units that flocked to his standard. It was this latter method that was adopted by Marius. He did not strain his popularity, and invite a conflict with senatorial tribunes, by forcing foreign service on the ragged freemen who had hailed him as the saviour of the State; but he invited their assistance in the glorious

[1] P. 61.

[2] Polyb. vi. 19. 2.

[3] According to Gellius (xvi. 10. 10) 375 asses:—Qui . . . nullo aut perquam parvo aere censebantur, "capite censi" vocabantur, extremus autem census capite censorum aeris fuit trecentis septuaginta quinque. But this decline from the Polybian census seems incredibly rapid. Perhaps the figure should be 3,750—one closely resembling that given by Polybius. *Cf.* p. 61.

[4] *Cf.* Liv. x. 21 (cited by Ihne *Röm. Gesch.* v. p. 154) Senatus . . . delectum omnis generis hominum haberi jussit. See also Gell. *l.c.* 13. Polybius vi. 19. 3, according to Casaubon's reading (p. 135), cannot be cited in illustration of this point.

work and asked them to be his comrades in the triumphal progress that lay before him.[1] The spirit of adventure, if not of patriotism, was touched: the call was readily answered, and the stalwart limbs that had lounged idly on the streets or striven vainly to secure the subsistence of the favoured slave, became the instruments by which the State was to be first protected and finally controlled. The conscription still remained as the resort of necessity; but the creation of the first mercenary army of Rome pointed to the mode in which any future commander could avoid the friction and unpopularity which often attended the enforcement of liability to service. The innovation of Marius was sufficiently startling to attract comment and invite conjecture. Some held that the army had been democratised to suit the consulship, and that the masses who had seen in Marius's elevation the realisation of the vague and detached ambitions of the poor, would continue to furnish a sure support to the power which they had created.[2] It is not unlikely that Marius, with his knowledge of the tone of the army of Metellus, may have wished to create for himself an environment that would mould the temper of his future officers; but those more friendly critics who held that efficiency was his immediate aim, and that "the bad" were chosen only because "the good" were scarce,[2] suggested the reason that was probably dominant as a motive and was certainly adequate as a defence. No thought of the ultimate triumph of the individual over the State by the help of a devoted soldiery could have crossed the mind either of the consul or of his critics. The Republic was as yet sacred, however unhealthy its chief organs might be deemed; and although Marius was to live to see the sinister fruit of his own reform, the harvest was to be reaped by a rival, and the first fruits enjoyed by the senate whom that rival served.

While the election of Marius, his appointment to Numidia, and his preparations for the campaign were in progress, the war had been passing through its usual phases of skirmishes and sieges.

[1] Sall. *Jug.* 86 2 Ipse interea milites scribere, non more majorum neque ex classibus, sed uti cujusque lubido erat, capite censos plerosque. Val. Max. ii. 3. 1 Fastidiosum dilectus genus in exercitibus Romanis oblitterandum duxit. *Cf.* Florus i. 36 (iii. 1). 13. The tradition preserved by Plutarch (*Mar.* 9) that Marius enrolled slaves as well (πολὺν τὸν ἄπορον καὶ δοῦλον καταγράφων), is apparently an echo from the time of the civil wars. Plutarch may mean men of servile birth and, though it is noted that freedmen were not employed even on occasional service until 90 B.C. (App. *Bell. Civ.* i. 49), yet it is possible that Marius's hasty levy may have swept in some men of this standing. But after, as before the time of Marius, free-birth (*ingenuitas*) continued to be a necessary qualification for service in the legions.

[2] Sall. *Jug.* 86. 3.

For a time no certain news could be had of the king; he was reported at one moment to be near the Roman lines, at another to be buried in the solitude of the desert;[1] the annoyance caused by his baffling changes of plan was avenged by the interpretation that they were symptoms of a disordered mind; his old counsellors were said to have been dispersed, his new ones to be distrusted; it was believed that he changed his route and his officers from day to day, and that he retreated or retraced his steps as the terrors of suspicion and despair alternated with the faintly surviving hope that a stand might yet be made. Only once did he come into conflict with Metellus.[2] The site of the skirmish is unknown, and its result was indecisive. The Numidian army is said to have been surprised and to have formed hastily for battle. The division led by the king offered a brief resistance; the rest of the line yielded at once to the Roman onset. A few standards and arms, a handful of prisoners, were all that the victors had to show for their triumph. The nimble enemy had disappeared beyond all hope of capture or pursuit.

After a time news was brought that the king had made for the southern desert with a fraction of his mounted troops and the Roman deserters, whose despair ensured their loyalty. He had shut himself up in Thala,[3] a large and wealthy town to which his treasures and his children had already been transferred. This city lay some thirteen miles east of the oasis of Capsa, and a dismal and waterless desert stretched between the Romans and the refuge of the king. No Roman army had at any part of the campaign attempted to penetrate such trackless regions, and the court at Thala may have believed even this foretaste of the desert

[1] Sall. *Jug.* 74. 1. [2] *Ibid.* 74. 2.

[3] *Ibid.* 75. 1. There are two Thalas in Numidia. The one with which we are here concerned is believed to be that lying east of Capsa (Khafsa), not that near Ammaedara (the latter is probably the Thala of Tac. *Ann.* iii. 21). Its identification was due to Pelissier who visited the site. It has one of the characteristics mentioned by Sallust, for the existing ruins are situated in a region destitute of water except for one neighbouring fountain. The river from which the Romans drew water and filled their vessels might be the one now called the Wäd Lebem or Leben—the only one in this part of Tunis which does not run dry even in summer. The ruins are of small extent and unimposing, but this feature agrees with the statement of Strabo xvii. 3. 12) that Thala was one of the towns blotted out by continuous wars in Africa. It was, therefore, not restored by the Romans. It has been doubted whether the name Thala is a proof of the identity of the site with that described by Sallust, since Pelissier says (*Rev. Arch.* 1847, p. 399) that the place is surrounded by a grove of trees, of the kind known as *mimosa gummifera* and called *thala* by the Arabs. The ruins may have drawn their name from these trees. See Wilmanns in C. I. L. viii. p. 28 and *cf.* Tissot *Géogr. comp.* ii. p. 635.

to be an adequate protection against an enemy which clung to towns and cultivated lands and relied, in the cumbrous manner of civilised warfare, on organised lines of communication. But the news that Jugurtha had at last occupied a position, the strength of which, together with the presence of his family and treasures within its walls, might supply a motive for a lengthy residence within the town and even suggest the resolution of holding it against every hazard, fired Metellus with a hope which the awkward political situation at Rome must have made more real than it deserved to be. The end of the war might be in sight, if he could only cross that belt of burning land. His plan was rapidly formed. The burden of the baggage animals was reduced to ten days' supply of corn; skins of water were laid upon their backs; the domestic cattle from the fields were driven in, and they were laden with every kind of vessel that could be gathered from the Numidian homesteads. The villagers in the neighbourhood of the recent victory, whom the flight of the king had made for the moment the humble servants of Rome, were bidden to bring water to a certain spot, and the day was named on which this mission was to be fulfilled. Metellus's own vessels were filled from the river,[1] and the rapid march to Thala was begun. The resting place was reached and the camp was entrenched; water was there in greater abundance than had been asked or hoped, for a sharp downpour of rain made the plethoric skins presented by the punctual Numidians almost a superfluous luxury and, as a happy omen, cheered the souls of the soldiers as much as it refreshed their bodies.[2] The devoted villagers had also brought an unexpectedly large supply of corn, so eager were they to give emphatic proof of their newly acquired loyalty. But one day more and the walls of Thala came in sight. Its citizens were surprised but not dismayed; they made preparations for the siege, while their king vanished into the desert with his children and a large portion of his hoarded wealth. It was too much to hope that Jugurtha would be caught in such a trap. The alternative prospects at Thala were immediate capture or a siege as protracted as the nature of the territory would permit. In the latter case a cordon would be drawn round the town and a price would probably be put upon the rebel's head. It is strange that the desperate band of deserters did not accompany the king in his flight. There may

[1] See p. 426, note 3.

[2] Sall. *Jug.* 75. 9.

have been no time for the retreat of so large a force, or the strength and desolation of the site may have filled them with confidence of success. But, if things came to the worst, they had a surprise in store for their former comrades who were now battering against the walls.

Metellus, in spite of the fact that he had lightened his baggage animals of all the superfluities of the camp, must have brought his siege train with him; it would, indeed, have been madness to attempt an assault on a fortified town without the necessary instruments of attack. He seems in his lines round Thala to have had all that he needed for a blockade; even the planks for the great moving turrets were ready to his hand.[1] The engines were soon in place on an artificial mound raised by the labour of the troops, the soldiers advanced under cover of the mantlets, and the rams began to batter against the walls. For forty days the courage of the besieged tried the patience of assailants already wearied with the toils of a long forced march. Had human endurance been the deciding factor, Metellus might have been forced to retire. But the wall of Thala was weaker than the spirit of its defenders; a portion of the rampart crumbled beneath the blows of the ram, and the victorious Romans rushed in to seize the plunder of the treasure-city. They found instead a holocaust of wealth and human victims. The royal palace had been invaded by the deserters from the Roman army whom Jugurtha had left behind. Thither they had borne the gold, the silver and the precious stuffs which formed the glory of the town. A feast was spread and continued until the banqueters were heavy with meat and wine. The palace was then fired, and when the plundering mob of Romans had made their way to the centre of the city's wealth, they found but the smouldering traces of a baffled vengeance and a disappointed greed.

The capture of Thala was one of those successes which might have been important, had it been possible to limit the area of the war or to check the disaffection which was now spreading throughout almost the whole of Northern Africa. The fringe of the desert had but been reached; the king had fled beyond it; the south and west were soon to be in a blaze; we shall soon see Metellus forced to take up his position in the north; and a slight incident which occurred while Metellus was at Thala showed that even cities of the

[1] Sall. *Jug.* 76. 3 Deinde locis ex copia maxume idoneis vineas agere, aggerem jacere et super aggerem inpositis turribus opus et administros tutari.

distant east, which had never been under the immediate sway of the Numidian power, were wavering in their attachment to Rome. The Greater Leptis, situate in the territory of the Three Cities between the gulfs which separated Roman Africa from the territory of Cyrene, had sought the friendship and alliance of Rome from the very commencement of the war. A Sidonian settlement,[1] it had, like most commercial towns which sought a life of peace, preferred the protectorate of Rome to that of the neighbouring dynasties, and had readily responded to the calls made on it by Bestia, Albinus and Metellus.[2] Such assistance as it furnished must have been supplied by sea, for it was more than four hundred miles by land from the usual sphere of Roman operations; but the commissariat of the Roman army was so serious a problem that the ships of the men of Leptis must always have been a welcome sight at the port of Utica. Now the stability of their constitution, and their service to Rome, were threatened by the ambition of a powerful noble. This Hamilcar was defying the authority both of laws and magistrates, and Leptis, they wrote, would be lost, if Metellus did not send timely help. Four cohorts of Ligurians with a praefect at their head were sent to the faithful state, and the Roman general turned to meet the graver dangers which were threatening in the west.

Jugurtha had crossed the desert with a handful of his men and was now amongst the Gaetulian tribes,[3] who stretched from the limits of his own dominions far across the southern frontier of his brother king of Mauretania. His eyes were now turned to the west; the men of the desert, the King of the Moors, would be infallible means of prolonging the war with Rome, if their help could be secured. No Roman army had yet dared to penetrate even into Western Numidia, and such a venture would be more hopeless than ever, if the nomad tribes of the desert frontier and Bocchus of Mauretania enclosed that district with myriads of mounted men

[1] The name appears on coins in Punic letters as L B Q I (Movers *Die Phönizer* II 2. p. 486; Müller *Numismatique de l'Afrique* II p. 10). Greek writers also call it Neapolis, probably because it was not far from an older town at the mouth of the Cinyps (the Wäd Mghar-el-Ghrin), although others hold that this name designated a particular quarter of the town. The three cities of the Syrtis—Sabrata, Oea and Leptis—were called Tripolis, but do not seem to have been politically connected with one another. Leptis had been stipendiary to Carthage (Liv. xxxiv. 62) and had subsequently been occupied by Masinissa (Liv. *l.c.*; *cf.* App. *Lib.* 106). But the occupation was not permanent or effective. Sallust notes (*Jug.* 78) that its situation had enabled it to escape Numidian influence.

[2] Sall. *Jug.* 77. 3.

[3] *Ibid.* 80. 1.

that might sweep it at any time from point to point, and destroy in a moment the laborious efforts at occupation that might be made by Rome. The Gaetulians, although perhaps a nomad,[1] were not a barbarian people. They plied with Mediterranean cities a trade in purple dye, the material for which was gathered on the Atlantic coast; and their merchants were sometimes seen in the market-place at Cirta;[2] but as fighting men they lacked even the organisation to which the Numidians had attained, and Jugurtha, while he sought or purchased their help, was obliged to teach them the rudiments of disciplined warfare. Gradually they learnt to keep the line, to follow the standards, to wait for the word of command before they threw themselves upon the foe;[3] these untrained warriors must have been fired mainly by the love of adventure, of pay or of plunder, or have been impressed by the greatness of the fugitive who had suddenly appeared amongst their tribes; they had no hatred or previous fear of the power of Rome, for most of the Gaetulian chiefs were ignorant even of the name of the imperial city.[4]

This name, however, had long been in the mind of the king who governed the northern neighbours of the Gaetulians, and it was to the fears or hopes of Bocchus of Mauretania that Jugurtha now appealed with the design of gaining an auxiliary force greater than any which he himself could put into the field. He had a claim on the Mauretanian king which might have been valid in a land in which polygamy did not prevail, for he was the husband of that monarch's daughter; but the dissipation of affection amongst a multitude of wives and their respective progeny did not permit the connection with a son-in-law to be a particularly binding tie.[5] There were, however, other motives which might spur the king to action. His early overtures to Rome had been rejected,[6] and this neglect must have aroused in his mind a feeling of anxiety as well as of wounded pride. If Rome conquered Numidia, she might become his neighbour. What in that case would be the position of Mauretania, connected as it would be by no previous ties of friendship

[1] P. 318. [2] Forbiger *Handb. der alt. Geogr.* ii. p. 885.
[3] Sall. *Jug.* 80. 2. [4] *Ibid.* 80. 1.
[5] *Ibid.* 80. 6 Ea necessitudo apud Numidas Maurosque levis ducitur, quia singuli pro opibus quisque quam plurumas uxores, denas alii, alii pluris habent, sed reges eo amplius. Ita animus multitudine distrahitur: nulla pro socia optinet, pariter omnes viles sunt.
[6] P. 349.

or alliance with the conquering state? If Bocchus joined Jugurtha, he would immediately become a power with whom Rome would be forced to deal. An ally detached from her enemies had often become her most trusted friend; it was thus that the power of Masinissa had been secured and his kingdom had been increased. If Jugurtha were victorious, the Romans would be kept at bay; if he showed signs of failure, the defection of Bocchus might be bought at a great price. The game on which he had entered was absolutely safe; he could only be the loser if at the critical moment chivalry or national sentiment interfered with the designs of a calculating prudence. The great necessity of his position was to force the hand of the Roman general and the Roman senate; but meanwhile he would keep an open mind and see whether the power which he dreaded might not be permanently kept at bay.

It may have been with thoughts like these that Bocchus bowed to the teaching of his counsellors when they urged a meeting with Jugurtha.[1] The meeting was that of equals, not of a suppliant and his protector. The Numidian king again headed an army of his own, and, after the oath of alliance had been given and received, exhorted his father-in-law in his own interest to join in a war that was as necessary as it was just. The Romans, he pointed out, had been made by their lust for conquest the common enemies of the human race. One had only to look at their treatment of Perseus of Macedon, of Carthage, of himself. Who was Bocchus that he alone should be immune from such a danger? The mood of the king responded to Jugurtha's words, and without an instant's delay they took the field together. Jugurtha was insistent on despatch, for he knew the varying temper of his relative and feared that even a slight delay would cool his resolve for decisive action.

The scene of the war now shifts with amazing suddenness to the north and centres for the first time round the walls of Cirta.[2] Metellus had evidently been drawn from the south by the news of the threatened coalition; for, if the territories near the coast were undefended, the Mauretanians might sweep like a devastating storm over the land that might have been held with some show of justice to be in the possession of Rome. Cirta now appears as within the pacified territory and, although we have no record as to the time when it was lost by Jugurtha,[3] its possession by the

[1] Sall. *Jug.* 81. 1. [2] *Ibid.* 82. 1. [3] *Cf.* p. 349.

Romans need excite no surprise. It may have been lost at an early period of the war, for there is no sign that it was employed by Jugurtha either as a military or political capital, and if, in spite of the massacre that had followed its capture from Adherbal, its cosmopolitan mercantile life had been revived, the attachment of the town to Rome would be assured on the news of the waning fortunes of its king. Its surrender was certainly peaceful, and the strength which might have defied the arms of Rome had rendered it incapable of recovery by its former owner. To Cirta Metellus had transferred his prisoners, his booty and his baggage,[1] and it was against Cirta that the two kings moved with their formidable force. Jugurtha was the moving spirit in the enterprise, his idea being that, even if the town could not be taken, the Romans would be forced to come to its support and a battle would be fought beneath its walls. A battle was now an issue to be courted, for never had he faced the enemy with greater numbers on his side.

Metellus was as fully conscious of the change in the situation. Lately he had been forcing himself on Jugurtha at every point; now he held back and waited for the favourable chance. He wished above all to learn something of the fighting spirit and methods of the Moors;[2] they were an untried foe, and Roman success was usually the fruit of knowledge and not of experiment. He waited in his fortified camp near Cirta to watch events, when news was brought from Rome which proved to his mind that cautious inaction was now not merely the wiser but the only policy. The news that came by letter was of stunning force. Metellus had already learnt of Marius's election to the consulship. This knowledge should have prepared him for the worst; but a proud man, conscious of his deserts, will not meet in anticipation an event that, however probable, seems incredible. Yet here it was before him in black and white. He had been superseded in his command and the province of Numidia belonged to Marius.[3] There was no pretence of self-restraint; tears rose to his eyes, as bitter language flowed from his lips. It was disputed whether natural pride or the sense of unmerited wrong was the secret of his wrath, or whether he held (as many thought) that a victory already won was being wrested from his grasp. But it was safely conjectured that his grief would not have been so violent had any man but Marius been his successor.

[1] Sall. *Jug.* 81. 2. [2] *Ibid.* 82. 1. [3] *Ibid.* 82. 2.

To risk a defeat at the moment when the command was slipping from his grasp seemed to Metellus the height of folly; but, even had he not possessed this additional motive for inaction, the situation would probably have forced him to temporise and to attempt to dissolve the hostile coalition by diplomacy. He therefore sent a message to Bocchus urging him to think seriously of the course of action which he had adopted.[1] An opportunity was still open to him of becoming the friend and ally of Rome; why should he adopt this motiveless attitude of hostility? The cause of Jugurtha was desperate; did the King of Mauretania wish to bring his own country into the same miserable plight? These were the first words that Bocchus had heard of a possible convention with Rome; he had scored the first point, but was much too wise to give away the game. Definite offers must be made and securely guaranteed before he would withdraw the terror of his presence. Firmness and conciliation must be blended in his answer, which, when delivered, was both gracious and chivalrous. He longed, he said, for peace, but was stirred to pity for the fortunes of Jugurtha. If the latter were also given the chance of making terms with Rome, all might be arranged. Metellus replied with another message framed to meet the position taken up by the king; the answer of Bocchus was a cautious mixture of assent and protest. As he showed no unwillingness to continue the discussion, Metellus occupied the remainder of his own tenure of the command in further parleyings. Envoys came and went, and the war was practically suspended. A delicate and promising negotiation was on foot; it remained to be seen whether it would be patiently continued or rudely interrupted by the new governor of Numidia.

[1] Sall. *Jug.* 83. 1.

CHAPTER VIII

THE summer must have been well advanced when Marius landed at Utica with his untried forces. The veterans were handed over to his care by the legate Rutilius,[1] for Metellus had fled the sight of the man, whose success had been based on a slanderous attack on his own reputation. It must have been with a heavy heart that he accomplished the voyage to Rome; for the greatest expert in the moods of the people could scarcely have foretold the surprise that awaited him there. The popular passion was spent; it was a feverish force that had burnt itself out; the country voters had at last bethought themselves of their work and returned to their farms; many of the most active and disorderly spirits, the restless loud-voiced men who are the potent minority in an agitation, had been removed by the levy of Marius; with the city mob docility generally alternated with revolution, and it was now inclined to look to the verdict of the recognised heads of the State. In this moment of reaction, too, many must have been inclined to wonder what after all could be said against this general who had never lost a battle, who had conquered cities and pitilessly revenged the one disaster which was not his fault, who had constantly swept the terrible King of Numidia as a helpless fugitive before him. The presence of Metellus completed the work by giving stability to these half-formed views. The common folk are the true idealists. They love a hero rather better than a victim, although it often depends on the turn of a hair which part the object of their attentions is to play. Now they followed the lead of the senate; the returned commander was the man of the day;[2] he had exalted the glory of the Roman name; and if there was no fault, there could only have been misfortune; but mis-

[1] Sall. *Jug.* 86. 5. [2] *Ibid.* 88. 1.

fortune might be compensated by honour. There was the prospect of a triumph in store, that mixed source of sensuous satisfaction and national self-congratulation. Thus Metellus won his prizes from the Numidian war, a parade through the streets to the Capitol and the addition of the surname "Numidicus" to the already lengthy nomenclature of his house.[1]

The war itself, under the guidance of Marius, soon assumed the character which it had possessed under that of all his predecessors. The originality of the new commander seemed to have spent itself in the selection of his troops; no new idea seems to have been introduced into the conduct of operations, which resumed their old shapes of precautions against surprise, weary marches from end to end of Numidia, and the siege of strongholds which were no sooner taken than they proved to be beyond the area of actual hostilities. Perhaps no new idea was possible except one that exchanged the weapons of war for those of diplomacy; but even the final attempt that had been made in this direction by Metellus was not continued by Marius. Bocchus, unwilling to lose the chance which had been presented of a definite convention with Rome, sent repeated messages to her new representative to the effect that he desired the friendship of the Roman people, and that no acts of hostility on his part need be feared;[2] but his protestations were received with distrust, and Marius, accustomed to the duplicity of the African mind and rejecting the view that the king might really be wavering between war and peace, chose to regard them as the treacherous cover for a sudden attack. The desultory campaign which followed seems to have been directed by two motives. The first was the training of the raw levies which had just been brought from Rome; the second the supposed necessity of cutting Jugurtha off from the strongholds which he still held at the extremities of his kingdom. As these extremities were now threatened or commanded, on the south by the Gaetulians and on the west by the Mauretanians, the area of the war was no less than that of Numidia itself; and, as the occupation of such an area was impossible, the destruction of these strongholds, which was little loss to a mobile self-supporting force such as that which Jugurtha had at his command, was the utmost end which could be secured.

[1] Vellei. ii. 11 Metelli . . . et triumphus fuit clarissimus et meritum ex virtute ei cognomen Numidici inditum. *Cf.* Eutrop. iv. 27.

[2] Sall. *Jug.* 88. 5.

The practice of the untrained Roman levies was rendered easy by the fact that Jugurtha had resumed the offensive. He no longer had the help of his Mauretanian auxiliaries, for Bocchus had retired to his own kingdom, and he had therefore lost his desire for a pitched battle; but his swarms of Gaetulian horse had enabled him to resume his old style of guerilla fighting, and he had taken advantage of the practical suspension of hostilities which had accompanied the change in the Roman command, to set on foot a series of raids against the friends of Rome and even to penetrate the borders of the Roman province itself.[1] For some time the attention of Marius was absorbed in following his difficult tracks, in striving to anticipate his rapidly shifting plans, in creating in his own men the habits of endurance, the mobility and the strained attention, which even a brief period of such a chase will rapidly engender in the rawest of recruits. The pursuit gradually shifted to the west, and a series of sharp conflicts on the road ended finally in the rout of the king in the neighbourhood of Cirta. With troops now seasoned to the toils of long marches and deliberate attack, Marius turned to the more definite, if not more effective, enterprise of beleaguering such fortified positions as were still strongly held, and by their position seemed to give a strategic advantage to the enemy. His object was either to strip Jugurtha of these last garrisons or to force him to a battle if he came to their defence. At first he confined his operations within a narrow area; the best part of the summer months seems to have been spent in the territory lying east and south of Cirta, and within this region several fortresses and castles still adhering to the king were reduced by persuasion or by force.[2] Yet Jugurtha made no move, and Marius gained a full experience of the helpless irritation of the commander who hears that his enemy is far away, neglectful of his efforts and wholly absorbed in some deep-laid scheme the very rudiments of which are beyond the reach of conjecture. His operations seem to have brought him to a point somewhere in the neighbourhood of Sicca, and this proximity to the southern regions of Numidia suggested the thought of an enterprise that might rival and even surpass Metellus's storm of Thala. About thirteen miles west of that town[3] lay

[1] Sall. *Jug.* 88. 3.

[2] Sallust uses the historic infinitive (*Ibid.* 89. 1 Consul, uti statuerat, oppida castellaque munita adire, partim vi, alia metu aut praemia ostentando avortere ab hostibus), but the reduction of some of these places may perhaps be assumed.

[3] *Cf.* p. 426.

the strong city of Capsa.[1] It marked almost the extremest limit of Jugurtha's empire in this direction, placed as it was just north of the great lakes and west of the deepest curve of the Lesser Syrtis. The town was the gift of an oasis, which here broke the monotony of the desert with pleasant groves of dates and olives and a perennial stream of water. The sources of this stream, which was formed by the union of two fountains, had been enclosed within the walls, and supplied drinking water for the city before it passed beyond it to irrigate the land. Even this supply hardly sufficed for the moderate needs of the Numidians, who supplemented it by rain water[2] which they caught and stored in cisterns. A siege of Capsa in the dry season might therefore prove irksome to the inhabitants; but the invading army might be even less well supplied, for although four other springs outside the walls fed the canals which served the work of irrigation, they tended to run low when the season of rain was past. The security of the city, although its defences and its garrison were strong, was thought to reside mainly in its desert barrier. The waste through which an invading army would have to pass was waterless and barren, while the multitude of snakes and scorpions that found a congenial home on the arid soil increased the horror, if not the danger, of the route.[3] Jugurtha had dealt kindly by the lonely citizens of Capsa; they were free from taxes and had seldom to answer to any demand of the king: and this favour, which was perhaps as much the product of necessity as of policy, had strengthened their loyalty to the Numidian throne. It is probable that some strategic, or at least military, motive was mingled in

[1] Capsa (Kafsa or Gafsa) may have been once subject to Carthage and have been added to the kingdom of Masinissa after the Hannibalic war. Strabo (xvii. 3. 12) mentions it amongst the ruined towns of Africa, but it revived later on, received a Latin form of constitution under Hadrian, and was ultimately the seat of a bishopric. See Wilmanns in C. I. L. viii. p. 22. Its commercial importance was very great. It was, as Tissot says (*Géogr. comp.* ii. p. 664), placed on the threshold of the desert at the head of the three great valleys which lead, the one to the bottom of the Gulf of Kabes, the other to Tebessa, the third to the centre of the regency of Tunis. He describes it as one of the gates of the Sahara and one of the keys of Tell, the necessary point of transit of the caravans of the Soudan and the advanced post of the high plateau against the incursions of the nomads. Strabo (*l.c.*) describes Capsa as a treasure-house of Jugurtha, but it has been questioned whether this description is not due to a confusion with Thala (Wilmanns *l.c.*).

[2] Sall. *Jug.* 89. 6.

[3] *Ibid.* 89. 5 Nam, praeter oppido propinqua, alia omnia vasta, inculta, egentia aquae, infesta serpentibus, quarum vis sicuti omnium ferarum inopia cibi acrior. Ad hoc natura serpentium, ipsa perniciosa, siti magis quam alia re accenditur. Tissot says (*op. cit.* ii. p. 669) that the solitudes which surround the oasis make a veritable "belt of sands and snakes" (*cf.* Florus iii. 1. 14 Anguibus harenisque vallatam).

the mind of Marius with the mere desire of excelling his predecessor and creating a deep impression in the minds of the proletariate in his army and at home. Although Capsa, with its limited resources, could hardly ever have served as the point of departure for a large Numidian or Gaetulian host, it might have been of value as a refuge for the king when he wished to vanish from the eyes of his enemies, and perhaps as a means of communication with friendly cities or peoples situated between the two Syrtes. To vanquish the difficulties of such an enterprise might also strike terror into the Numidian garrisons of other towns, and the subjects of Jugurtha might feel that no stronghold was safe when the unapproachable Capsa had been taken or destroyed. But the difficulties of the task were great. The Numidians of these regions were more attached to a pastoral life than to agriculture; the stores of corn to be found along the route were therefore scanty, and their scarcity was increased by the fact that the king, who seems but lately to have passed through these regions, had ordered that large supplies of grain should be conveyed from the district and stored in the fortresses which his garrisons still held.[1] Nothing could be got from the fields, which at this late period of the autumn showed nothing but arid stubble. It was fortunate that some stores still lay at Lares (Lorbeus), a town at a short distance to the south-east of his present base;[2] these were to be supplemented by the cattle that the foraging parties had driven in, and the Roman soldier would at least have his unwelcome supply of meat tempered by a moderate allowance of meal. Yet the terrors of the journey were so great that Marius thought it wise to conceal the object of his enterprise even from his own men, and even when, after a six days' march to the south, he had reached a stream called the Tana,[3] the motive of the expedition was still in all probability unknown. Here, as in Metellus's march on Thala, a large supply of water was drawn from the river and stored in skins, all heavy baggage was discarded, and the lightened column prepared for its march across the desert. By day the soldiers kept their camp and every stage of the journey was accomplished be-

[1] Sall. *Jug.* 90. 1.

[2] Aulus Manlius was sent with some light cohorts to protect the stores at Lares (*Ibid.* 90. 2). These stores were, therefore, not exhausted.

[3] The Tana has often been identified with the Wâd Tina, but this identification would take Marius along the coast by Thenae—a course which he almost certainly did not follow. Tissot holds (*Géogr. comp.* i. p. 85) that Tana is only a generic Libyan name for a water-course. He thinks that the river in question is the Wâd-ed-Derb. (*Ibid.* p. 86).

tween night-fall and dawn. On the morning of the third day they had reached some rising ground not more than two miles from Capsa.[1] The sun had not yet risen when Marius halted his men in a hollow of the dunes, and watched the town to see whether his cautious plans had really effected a surprise. Evidently they had; for, when day broke, the gates were seen to open and large numbers of Numidians could be observed leaving the city for the business of the fields. The word was given, and in a moment the whole of the cavalry and the lightest of the infantry were dashing on the town. They were meant to block the gates; while Marius and the heavier troops followed as speedily as they could, driving the straggling Numidians before them. It was the possession of these hostages that decided the fate of the town. The commandant parleyed and agreed to admit the Romans within the walls, the condition, whether tacit or expressed, of this surrender being that the lives of the citizens should be spared. The condition was immediately broken. The town was given over to the flames, all the Numidians of full age were put to the sword, the rest were sold into slavery, and the movable property which had been seized was divided amongst the soldiers. The breach of international custom was not denied; the only attempt at palliation was drawn from the reflection that it was due neither to motiveless treachery nor to greed; a position like Capsa, it was urged,—difficult of approach, open to the enemy, the home of a race notorious for its mobile cunning—could be held neither by leniency nor by fear.[2] The expedition had miscarried, if the town was not destroyed; and, as frequently happens in the pursuit of wars with peoples to whom the convenient epithet of "barbarian" can be applied, the successful fruit of cruelty and treachery was perhaps defended on the ground that the obligations of international law must be either reciprocal or non-existent.

The destruction of Capsa was followed by other successes of a similar though less arduous kind. The event had served the purpose of Marius well in so far as it spread before him a name of terror which caused some of the Numidian garrisons to flee their strong places without a struggle. In the few cases where resistance was met, it was beaten down, and the fortified places which

[1] This *locus tumulosus* (Sall. *Jug.* 91. 3) is identified by Tissot (*op. cit.* ii. p. 669) with a spur of the Djebel Beni-Younès which dominates Kafsa on the north-east at the distance indicated by Sallust.

[2] *Ibid.* 91. 7.

Jugurtha's soldiers were not rash enough to defend, were utterly destroyed by fire.[1] Marius left a wilderness behind him on his return march to winter quarters,[2] and perhaps renewed his devastating course in the south-eastern parts of Numidia during the spring of the following year, before his attention was suddenly called to another point in the vast area of the war. This easy triumph which cost little Roman blood and enriched the soldiers with the spoils of war, created in his men a belief in his foresight and prowess which seemed sufficient to stand the severest strain.[3] A great effort had now to be made in a quarter of Numidia which lay not less than seven hundred miles from the recent scene of operations. As neither the site of Marius's recent winter quarters nor the base which he chose for his spring campaign are known to us, we cannot say whether the expedition which he now directed to the extreme west of Numidia was an unpleasant diversion from a scheme already in operation, or whether it was the result of a plan matured in the winter camp; but in either case this conviction of the necessity for sweeping the country in such utterly diverse directions proves the full success of the plan which Jugurtha was pursuing. It is more difficult to determine whether Marius increased the success of this plan by a political blunder of his own. The point at which he is now found operating was near the river Muluccha or Molocath,[4] the dividing line between the kingdoms of Numidia and Mauretania. If the incursion which he made into this region was unprovoked, it was a challenge to King Bocchus and an impolitic disturbance of the recent attitude of quiescence that had been assumed by that hesitating monarch; but it is possible that news had reached Marius that a Mauretanian attack was impending, and that the same motive which had impelled Metellus to hasten from the south to the defence of Cirta, now urged his successor to push his army more than five hundred miles farther to the west up to the very borders of Mauretania. The movement seems to have been defensive, for at the moment when we catch sight of his

[1] Sall. *Jug.* 92. 3.

[2] Sallust omits all mention of these winter quarters. Such an omission does not prove that he is a bad military historian, but simply that he never meant his sketch to be a military history. But he has perhaps freed himself too completely from the annalistic methods of most Roman historians.

[3] Sall. *Jug.* 92. 2.

[4] The Wâd Muluja. It is called Muluccha by Sallust, Μολοχάθ by Strabo (xvii. 3. 9). Other names given to it by ancient authorities are Malvane, Μαλούα, Malva. See Göbel *Die Westküste Afrikas im Altertum* pp. 79, 80.

efforts he had not attempted to cross the admitted frontier,[1] but was endeavouring to secure a strong position that lay within what he conceived to be the Numidian territory. A giant rock rose sheer out of the plain, tapering into the narrow fortress which continued by its walls an ascent so smoothly precipitous that it seemed as though the work of nature had been improved by the hand of man.[2] But one narrow path led to the summit and was believed to be the only way, not merely to a position of supreme value for defensive purposes, but also to one of those rich deposits which the many-treasured king was held to have laid up in the strongest parts of his dominions. The difficulties of a siege were almost insurmountable. The garrison was strong and well supplied with food and water; the only avenue for a direct assault upon the walls was narrow and dangerous; the site was as ill-suited as it could be for the movement of the heavier engines of war. When the attack was made, the mantlets of the besiegers were easily destroyed by fire and stones hurled from above; yet the soldiers could not leave cover, nor get a firm hold on the steeply sloping ground; the foremost amongst the storming party fell stricken with wounds, and a panic seemed likely to prevail amidst the ever-victorious army if it were again urged to the attack. While Marius was brooding over this unexpected check, and his mind was divided between the wisdom of a retreat and the chances that might be offered by delay, an accident supplied the defects of strength and counsel.[3] A Ligurian in quest of snails was tempted to pursue his search from ridge to ridge on that side of the hill which lay away from the avenue of attack and had hitherto been deemed inaccessible. He suddenly found that he had nearly reached the summit; a spirit of emulation urged him to complete the work which he had unconsciously begun, and the branches of a giant holmoak, which twisted amongst the rocks, gave him a hold and footing when the perpendicular walls of the last ascent seemed to deny all chance of further progress. When at length he craned over the edge of the highest ridge, the interior of the fort lay spread before him. No member of the garrison was to be seen, for every man was engaged in repelling the assault which had been renewed on the opposite side. A prolonged survey was therefore possible, and all the important

[1] Bocchus, however claimed the territory within which Marius was operating (Sall. *Jug.* 102).

[2] *Ibid.* 92. 5.

[3] *Ibid.* 93.

details of the fortress were imprinted on the mind of the Ligurian before he began his leisurely descent. The features of the slope he traversed were also more cautiously observed; the next ascent would be attempted by more than one, and every irregularity that might give a foothold must be noted by the man who would have to prove and illustrate his tale. When the story was told to Marius he sent some of his retinue to view the spot; their reports differed according to the character of their minds; some of the investigators were sanguine, others more than doubtful; but the consul eventually determined to make the experiment. The escalade was to be attempted by a band of ten; five of the trumpeters and buglemen were selected and four centurions, the Ligurian was to be their guide. With head and feet bare, their only armour a sword and light leathern shield slung across their backs, the soldiers painfully imitated the daring movements of their active leader. But he was considerate as well as daring. Sometimes he would weave a scaling ladder of the trailing creepers; at others he would lend a helping hand; at others again he would gather up their armour and send them on before him, then step rapidly aside and pass with his burden up and down their struggling line. His cheery boldness kept them to their painful task until every man had reached the level of the fort. It was as desolate as when first seen by the Ligurian, for Marius had taken care that a frontal attack should engage the attention of the garrison. The climb had been a long one, and the battle had now been raging many hours when news was brought to the anxious commander that his men had gained the summit.[1] The assault was now renewed with a force that astonished the besieged, and soon with a recklessness that led them to think the besiegers mad. They could see the Roman commander himself leaving the cover of the mantlets and advancing in the midst of his men up the perilous ascent under a tortoise fence of uplifted shields. Over the heads of the advancing party came a storm of missiles from the Roman lines below. Confident as the Numidians were in the strength of their position, scornful as were the gibes which a moment earlier they had been hurling against the foe, they could not think lightly of the serried mass that was moving up the hill and the rain of bullets that heralded its advance. Every hand was busy and every mind alert when suddenly

[1] Sall. *Jug.* 94. 3.

the Roman trumpet call was heard upon their rear. The women and boys, who had crept out to watch the fight, were the first to take the alarm and to rush back to the shelter of the fort; most of the men were fighting in advance of their outer walls; those nearest to the ramparts were the first to be seized with the panic; but soon the whole garrison was surging backwards, while through and over it pressed the long and narrow wedge of Romans, cutting their way through the now defenceless mass until they had seized the outworks of the fort.

It is difficult to gauge the positive advantages secured by this feat of arms; but it is probable that the capture of this particular hill-fortress, although its difficulty gave it undue prominence in the annals of the war, was not an isolated fact, but one of a series of successful attempts to establish a chain of posts upon the Mauretanian border, which might bring King Bocchus to better counsels and interrupt his communications with Jugurtha. The enterprise may have been followed by a tolerably long campaign in these regions. This campaign has not been recorded, but that it was contemplated is proved by the fact that Marius had ordered an enormous force of cavalry to meet him near the Muluccha.[1] The force thus summoned actually served the purpose of covering a retirement that was practically a retreat; but this could not have been the object which it was intended to fulfil when its presence was commanded. A large force of horse was essential, if Bocchus was to be paralysed and the border country swept clear of the enemy. The cloud that was to burst from Mauretania was not the only chance that could be foretold; it was the issue to be dreaded, if all plans at prevention failed; but it was one that might possibly be averted by the presence of a commanding force in the border regions.

It had taken nearly a year to collect and transport from Italy the cavalry force that now entered the camp of Marius. The reason why Italy and not Africa was chosen as the recruiting ground is probably to be found in the lack of confidence which the Romans felt even in those Numidians who professed a friendly attitude; otherwise cheapness and even efficiency might seem to have dictated the choice of native contingents, although it is possible that, as a defensive force, the tactical solidarity of the Italians gave them an

[1] Sall. *Jug.* 95. 1.

advantage even over the Numidian horse. The Latins and Italian allies had furnished the troopers that had lately landed on African soil,[1] perhaps not at the port of Utica, but at some harbour on the west, for the time consumed by Marius in the march to his present position, even had not his campaign been planned in winter quarters, would have given him an opportunity to send notice of his whereabouts to the leader of the auxiliary force. This leader was Lucius Cornelius Sulla, who had spent nearly the whole of the first year of his quaestorship in beating up on Italian soil the troops of horsemen which he now led into the camp. In comparison with the arrival of the force that of the quaestor was as nothing; yet the advent of such a subordinate was always a matter of interest to a general. Tradition had determined that the ties between a commander and his quaestor should be peculiarly close; the superior was responsible for every act of the minor official whom the chance of the lot might thrust upon him; if his subordinate were capable, he was the chosen delegate for every delicate operation in finance, diplomacy, jurisdiction, or even war; if he were incapable, he might be dismissed,[2] but could not be neglected, for he was besides the general the only man in the province holding the position of a magistrate, and was in titular rank superior even to the oldest and most distinguished of the legates.[3] It was a matter of chance whether a government or a campaign was to be helped or hindered by the arrival of a new quaestor; and Marius, when he first heard of the man whom destiny had brought to his side, was inclined to be sceptical as to the amount of assistance which was promised by the new appointment.[4] Apart from a remarkable personal appearance—an impression due to the keen blueness of the eyes, the clear pallor of the face, the sudden flush that spread at moments over the cheeks as though the vigour of the mind could be seen pulsing beneath the delicate skin[5]—there was little to recommend Sulla to the mind of a hard and stern man engaged in an arduous and disappointing task. The new lieutenant had no military experience, he was the scion of a ruined patrician family, and, if the gossip of Rome were true, his previous life suggested the light-hearted adventurer rather than the student

[1] Sall. *Jug.* 95. 1 L. Sulla quaestor cum magno equitatu in castra venit, quos uti ex Latio et a sociis cogeret Romae relictus erat.
[2] Cic. *in Verr.* iii. 58. 134. [3] *Cf.* Cic. *ad Att.* vi. 6. 3 and 4.
[4] Val. Max. vi. 9. 6 C. Marius consul moleste tulisse traditur quod sibi asperrimum in Africa bellum gerenti tam delicatus quaestor sorte obvenisset.
[5] Plut. *Sulla* 2.

of politics or war. In his early youth he seemed destined to continue the later traditions of his family—those of an unaspiring temper or a careless indolence, which had allowed the consulship to become extinct in the annals of the race and had been long content with the minor prize of the praetorship. Even this honour had been beyond the reach of the father of Sulla; the hereditary claim to office had been completely broken, and the family fortune had sunk so low that there seemed little chance of the renewal of this claim. The present bearer of the name, the elder son of the house, had lived in hired rooms, and such slender means as he could command seemed to be employed in gratifying a passion for the stage.[1] Yet this taste was but one expression of a genuine thirst for culture;[2] and, whatever the opinion of men might be, this youth whose most strenuous endeavours were strangely mingled with a careless geniality and an appetite that never dulled for the pleasures of the senses and the flesh, had a wonderful faculty for winning the love of women. His father had made a second marriage with a lady of considerable means; and the affection of the step-mother, who seems to have been herself childless, was soon centred on her husband's elder son.[3] At her death he was found to be her heir, and the fortune thus acquired was added to or increased by another that had also come by way of legacy from a woman. This benefactress was Nicopolis, a woman of Greek birth, whose transitory loves, which had brought her wealth, were closed by a lasting passion for the man to whom this wealth was given.[3] The possession of this competence, which might have completed the wreck of the nerveless pleasure-seeker that Sulla seemed to be, proved the true steel of which the man was made. The first steps in his political career gave the immediate lie to any theory of wasted opportunities. He had but exceeded by a year or two the minimum age for office when he was elected to the quaestorship; he was but thirty-one when he was scouring Italy for recruits;[4] a year later he had entered Marius's camp near the Muluccha with his host of cavalry. A very brief experience was sufficient to convert the general's prejudice into the heartiest ap-

[1] Val. Max. *l.c.*; Plut. *Sulla* 2.

[2] Litteris Graecis atque Latinis juxta, atque doctissume, eruditus (Sall. *Jug.* 95. 3).

[3] Plut. *l.c.*

[4] He was born in 128 B.C. He was entering on his sixtieth year at the time of his death in 78 B.C. (Val. Max. ix. 3. 8). *Cf.* Vellei. ii. 17 and see Lau *Lucius Cornelius Sulla* p. 25.

proval of his new officer. Any spirit of emulation which Sulla possessed was but shown in action and counsel; none could outstrip him in prowess and forethought, yet all that he did seemed to be the easy outcome either of opportunity or of a ready wit which charmed without startling: and he was never heard to breathe a word which reflected on the conduct of the pro-consul or his staff. Over the petty officers and the soldiers he attained the immediate triumph which attends supreme capacity combined with a facile temper and a sense of humour. His old companions of the stage had been perhaps his best instructors in the art of moulding the will of the common man. He had the right address for every one; a grumble was met by a few kind words; a roar of laughter was awakened by a ready jest, and its recipient was the happier for the day. When help was wanted, his resources seemed boundless; yet he never gave as though he expected a return, and the idea of obligation was dismissed with a shrug and a smile.[1] Sulla was not one of the clumsy intriguers who laboriously lay up a store of favour and are easily detected in the attempt. He was a terrible man because his insight and his charm were a part of his very nature, as were also the dark current of ambition, scarcely acknowledged even by its possessor, and the surging tides of passion, carefully dammed by an exquisitely balanced intellect into a level stream, on which crowds might float and believe themselves to be victims or agents of an overmastering principle, not of a single man's caprice.

The capacity of every officer in Marius's army was soon to be put to an effective test; for the coalition of Jugurtha and Bocchus, which the campaign might have been meant to prevent, turned out to be its immediate result. The Moor was still hesitating between peace and war—looking still, it may be, for another bid from the representative of Rome, and waiting for the moment when he might compel the attention of Metellus's rude successor, who preferred the precautions of war to those of diplomacy—when the Numidian king, in despair at this ruinous passivity and at the loss of the magnificent strategic chance that was being offered by the enemy, approached his father-in-law with the proposal that the cession of one-third of Numidia should be the price of his assistance. The cession was to take effect, either if the Romans were driven out of Africa, or if a settlement was reached with Rome which left the boundaries of

[1] Sall. *Jug.* 96.

Numidia intact.[1] Bocchus may not have credited the likelihood of the realisation of the first alternative; but combined action might render the second possible, and even if that failed, his chances of a bargain with Rome were not decreased by entering on a policy of hostility which might be closed at the opportune moment. For the time, however, he played vigorously for Jugurtha's success. His troops of horsemen poured over the border to join the Numidian force, and the combined armies moved rapidly to the east to encompass the columns of Marius, that had just begun their long march to the site which had been chosen for winter quarters.

The object of the Roman general was to keep in touch with the sea for the purpose of facilitating the supply of his army. But we cannot say whether his original choice was a station so distant as the neighbourhood of Cirta,[2] or whether his movement in this direction, which severed him by some hundreds of miles from the region which he had lately commanded, was a measure forced on him by the danger to which his army was exposed in the distant west from the overwhelming forces of the enemy. He had at any rate covered a great stretch of territory before he actually came into touch with the combined forces of Bocchus and Jugurtha; for the almost continuous fighting that ensued, when once the armies had come into contact, seems all to have been confined to the last few days before Cirta was reached and to a period of time which could have formed but a small fraction of the whole duration of the march. The first attack was planned for the closing hours of the day.[3] The advent of night would be of advantage to the native force whether they were victorious or defeated. In the first case their knowledge of the ground would enable them to follow up their success, in the second their retreat would be secured. Under all circumstances a struggle in the darkness must increase the difficulties of the Romans. A complete surprise was impossible, for Marius's scouting was good, and from all directions horsemen dashed up to tell him the enemy was at hand. But the quarter from which such an attack would be aimed could not be determined, and so incredibly rapid were the movements of the Moorish and Gaetulian horse that scarcely had the last messenger ridden up when the Roman column was assailed

[1] Sall. *Jug.* 97. 2.

[2] Sallust states later that Cirta was his original aim (*Ibid.* 102. 1 Pervenit in oppidum Cirtam, quo initio profectus intenderat); but Marius's plans may have been modified by intervening events.

[3] Vix decuma parte die reliqua (*Ibid.* 97. 3).

on every side. The Roman army had no time to form in line, and anything approaching battle array was scorned by the enemy. They charged in separate squadrons, the formation of which seemed to be due to chance as much as to design; this desultory mode of attack enabled them to assail the Roman forces at every point and to prevent any portion of the men from acquiring the stability that might save the helplessness of the others; they harried the legionaries as they shifted their heavy baggage, drew their swords and hurried into line, and the cavalry soldiers as they strove to mount their frightened horses. Horse and foot were inextricably mixed, and no one could tell which was the van and which the rear of the surrounded army. The general fought like a common soldier, but he did not forget the duties of a commander. With his chosen troop of horse he rode up and down the field, detecting the weak points of his own men, the strong points of the enemy, lending a timely succour to the first and throwing his weight against the second.[1] But it was the experience of the well-trained legionaries that saved the day. Schooled in such surprises, they began to form small solid squares, and against these barriers the impact of the light horsemen beat in vain.[2] But night was drawing on—the hour which the allied kings had chosen as the crowning moment of their attack—and Marius was as fully conscious as his enemies how helpless the Roman force would be if such a struggle were protracted into the darkness. Fortunately the place of the attack had been badly chosen; the neighbouring ground did not present a wholly level expanse on which cavalry could operate at will. But a short distance from the scene of the fight two neighbouring hills could be seen to rise above the plain; the smaller possessed an abundant spring of water, the larger by its rugged aspect seemed to promise an admirable rampart for defence.[3] It was impossible to withdraw the whole army to the elevation which contained the welcome stream, for its space did not permit of an encampment; but Marius instructed Sulla to seize it with the cavalry. He then began to draw his scattered infantry together, taking advantage of the disorder in the enemy which the last sturdy stand of the veterans had produced, and when the divisions were at last in touch with one

[1] Sall. *Jug.* 98. 1.

[2] *Ibid.* 97. 5 Denique Romani . . . orbis facere, atque ita ab omnibus partibus simul tecti et instructi hostium vim sustentabant.

[3] *Ibid.* 98. 3.

another, he led the whole force at a quick march to the place which he had chosen for its retreat. The kings soon recognised that this retreat was unassailable; their plan of a night attack had failed; but they did not lose the hope that they held the Romans at their mercy. The fight had become a blockade; they would coop the Romans within their narrow limits, or force them to straggle on their way under a renewal of the same merciless assault. To have withstood the legions and occupied their ground, was itself a triumph for Gaetulians and Moors. They spread their long lines round either hill and lighted a great ring of watchfires; but their minds were set on passing the night in a manner conducive neither to sleep nor vigilance. They threw away their victory in a manner common to barbarism, which often lacks neither courage nor skill, but finds its nemesis in an utter lack of self-restraint. From the silent darkness of the ridge above the Romans could see, in the circles of red light thrown by the blazing watch-fires, the forms of their enemies in every attitude of careless and reckless joy; while the delirious howls of triumph which reached their ears, were a source, not of terror, but of hope. In the Roman camp no sound was heard; even the call of the patrol was hushed by the general's command.[1] As the night wore on, the silence spread to the plain below, but here it was the silence of the deep and profound sleep that comes on men wearied by the excesses of the night. Suddenly there was a terrific uproar. Every horn and trumpet in the Roman lines seemed to be alive, every throat to be swelling the clamour with ear-piercing yells. The Moors and Gaetulians, springing from the ground, found the enemy in their very midst. Where the slaughter ended, the pursuit began. No battle in the war had shown a larger amount of slain; for flight, which was the Numidian's salvation and the mockery of his foe, had been less possible in this conflict than in any which had gone before.

Marius continued his march, but with precautions even greater than those which he had previously observed. He formed his whole army into a "hollow square"[2]—in fact, a great oblong, arranged equally for defence on front, flanks, and rear, while the baggage occupied the centre. Sulla with the cavalry rode on the

[1] Sall. *Jug.* 99. 1.

[2] Pariter atque in conspectu hostium quadrato agmine incedere (*Ibid.* 100. 1). For the nature and growth of this tactical formation amongst the Romans see Marquardt *Staatsverw.* ii. p. 423.

extreme right; on the left was Aulus Manlius with the slingers and archers and some cohorts of Ligurians; the front and rear were covered by light infantry selected from the legions under the command of military tribunes. Numidian refugees scoured the country around, their knowledge of the land giving them a peculiar value as a scouting force. The camp was formed with the same scrupulous care; whole cohorts formed from legionaries kept watch against the gates, fortified posts were manned at short distances along the enclosing mound, and squadrons of auxiliary cavalry moved all night before the ramparts. Marius was to be seen at all points and at all hours, a living example of vigilance not of distrust, a master in the art of controlling men, not by terror but by sharing in their toils. Four days had the march progressed and Cirta was reported to be not far distant, when suddenly an ominous but now familiar sight was seen. Scouts were riding in on every hand; all reported an enemy, but none could say with certainty the quarter from which he might appear.[1] The present disposition of the Roman troops had made the direction of the attack a matter of comparatively little moment, and Marius called a halt without making any change in the order of his march. Soon the enemy came down, and Jugurtha, when he saw the hollow square, knew that his plan had been partly foiled. He had divided his own forces into four divisions; some of these were to engage the Roman van; but some at least might be able to throw themselves at the critical moment on the undefended rear of the Roman column, when its attention was fully engaged by a frontal attack.[2] As things were, the Roman army presented no one point that seemed more assailable than another, and Jugurtha determined to engage with the Roman cavalry on the right, probably with the idea that by diverting that portion of the Roman force which was under the circumstances its strongest protecting arm, he might give an opportunity to his ally to lead that attack upon the rear which was to be the crowning movement of the day. His assault, which was directed near to the angle which the right flank made with the van, was anticipated rather than received by Sulla, who rapidly formed his force into two divisions, one for attack, the other for defence. The first he massed in dense squadrons, and at the head of these he

[1] Sall. *Jug.* 101. 2.

[2] It is possible that Jugurtha intentionally let his approach be known, so that the Romans might form in their usual battle order.

charged the Moorish horse; the second stood their ground, covering themselves as best they could from the clouds of missiles that rose from the enemy's ranks, and slaughtering the daring horsemen that rode too near their lines. For a time it seemed as if the right flank and the van were to bear the brunt of the battle; the king was known to be there in person: and Marius, knowing what Jugurtha's presence meant, himself hastened to the front.

But suddenly the chief point of the attack was changed. Bocchus had been joined by a force of native infantry, which his son Volux had just brought upon the field. It was a force that had not yet known defeat, for some delay upon the route had prevented it from taking part in the former battle. With this infantry, and probably with a considerable body of Moorish horse,[1] Bocchus threw himself upon the Roman rear. Neither the general nor his chief officers were present with the division that was thus attacked; Marius and Sulla were both engrossed with the struggle at the other end of the right wing, and Manlius seems still to have kept his position on the left flank; the absence of an inspiring mind amongst the troops assailed, their ignorance of the fate of their distant comrades, moved Jugurtha to lend the weight of his presence and his words to the efforts of his fellow king. With a handful of horsemen he quitted the main force under his command and galloped down the whole length of the right wing, until he wheeled his horse amidst the front ranks of the struggling infantry. He raised a sword streaming with blood and shouted in the Latin tongue that Marius had already fallen by his hand, that the Romans might now give up the struggle. The suggestion conveyed by his words shook the nerves even of those who did not credit the horrifying news,[2] while the presence of the king, here as everywhere, stirred the Africans to their highest pitch of daring. They pressed the wavering Romans harder than before, the battle at this point had almost become a rout, when suddenly a large body of Roman horse was seen to be bearing down on the right flank of the Moorish infantry. They were led by Sulla, whose vigorous attacks had scattered the enemy on the right wing; he could now employ his cavalry for other purposes, and the Moorish infantry shook

[1] This force is not mentioned by Sallust (Sall. *Jug.* 101. 5), but it seems implied in the junction of Bocchus with Volux.

[2] Quod ubi milites accepere, magis atrocitate rei quam fide nuntii terrentur (*Ibid.* 101. 7).

beneath the flank attack. Jugurtha refused to see that the tide of victory had turned; with a reckless courage he still strove to weld together the shattered forces of the Moors and to urge them against the Roman lines; his own escape was a miracle; men fell to left and right of him, he was pressed on both sides by the Roman horse; at times he seemed almost alone amidst his foes; yet at the last moment he vanished, and the capture which would have ended the war was still beyond the reach of Roman skill and prowess.[1] Sulla had saved the day, the advent of Marius was but needed to put the final touches to the victory. He had seen the cavalry on the right scatter beneath the charges of the Roman horse, and almost at the same moment news was brought him that his men were being driven back upon the rear. His succour was scarcely needed, but his presence gave an impulse to pursuit. The sight of the field when that pursuit was at its height, lived ever in the minds of those who shared in its glory and its horror. The sickening spectacle which a hard fought battle yields, was protracted in this instance by the vast vista of the plains. Wherever the eye could reach there were prostrate bodies of men and horses, whose only claim to life was the writhing agony of their wounds; on a stage dyed red with blood and strewn with the furniture of shattered weapons little moving groups could be seen. The figures of these puppets showed all the phases of helpless flight, violent pursuit, and pitiless slaughter.

In spite of the carnage of this battlefield, victory here, as elsewhere throughout the war, meant little more than driving off the foe. We possess but a fragmentary record of this terrible retreat to Cirta, but it is certain that its dangers and losses were by no means exhausted in two pitched battles. A chance notice torn from its context[2] tells of a third great contest which closed a long period of harassing attacks. Close to the walls of Cirta the Roman army was met by the two kings at the head of sixty thousand horse. The combatants were swathed in a cloud raised by the dust of battle, the Roman soldiers massed in a narrow space were such

[1] Sall. *Jug.* 101. 9.

[2] Oros. v. 15. 9 foll. This account in Orosius corresponds to nothing in Sallust and is clearly drawn from other sources. The attempt of the Romans to storm Cirta (§ 10) must be a mistake, unless it refers to some earlier and unrecorded operation of the war. Some details of § 14 bear a shadowy resemblance to points in the first of the recent battles described by Sallust; but there are other details which make the identification impossible.

helpless victims of the missiles of the enemy that the Numidian and Moorish horsemen ceased to single out their targets, and threw their javelins at random into the crowded ranks with the certainty that each would find its mark. For three days was the running fight continued. A charge was impossible against the volleys of the foe, and retreat was cut off by the multitude of light horsemen that hemmed the army in on every side. In the last desperate effort which Marius made to free himself from the meshes of the kings, even the centre of his column shook under the hail of missiles that assailed it, and to the weapons of the enemy were soon added the terrors of blinding heat and intolerable thirst. Suddenly a storm broke over the warring hosts. It cooled the throats of the Romans and refreshed their limbs, while it lessened the power of their foes. The strapless javelins[1] of the Numidians could not be hurled when wet, for they slipped from the hands of the thrower; their shields of elephants' hide absorbed water like a sponge and weighed down the arms on which they hung. The Moors and Numidians, seeing that even their means of defence had failed them, took to flight: but only to appear on another day with their army raised to ninety thousand and to repeat the attempt to surround the Roman host. This last effort ended in a signal victory for Marius. The forces of the two kings were not only defeated but almost destroyed.

The events thus recorded can scarcely be regarded as mere variants of the two battles which we have previously described. Vague and rhetorical as is the account which sets them forth, it shows that there were traditions of suffering and loss endured by the army of Marius such as found no parallel in the campaign of his predecessor. Marius had attempted what Metellus had never dared—a campaign in the far west of Numidia. Its results were fruitless successes of the paladin type followed by a burdensome and disastrous retreat. The west was lost, the east was threatened, yet the lesson was not without its fruit. The general when he reached the walls of Cirta had lost something of his hardy faith in the use of blood and iron; he was more ready to appeal to the motives which make for peace, to pretend a trust he did not feel, to make promises which might induce the fluid treachery of Bocchus to harden into a definite act of treason to his brother king, above

[1] Hastilia telorum, quae manu intorquere sine ammentis solent (Oros. v. 15. 16).

all, to lean on some other man who could play the delicate game of diplomatic fence with a cunning which his own straightforward methods could not attain. Everything depended on the attitude of the King of Mauretania; and here again the campaign had not been without some healthful consequences. If the Romans had gained no material advantage, Bocchus had suffered some very material losses. His forces had been cut up, the stigma of failure attached (perhaps for the first time) to their leader, the first contact with the Romans had not been encouraging to his subjects. And the campaign may also have revealed the difficulty, if not the hopelessness, of Jugurtha's cause. The plan of driving the Romans from Africa could not be perfected even with the combined forces of the two kingdoms at their fullest strength; however much they might harass, they had proved themselves utterly unable to attain such a success as even the most complacent patriotism could name a victory; while the sturdiness of the resistance of Rome seemed to banish the hypothesis that Jugurtha would be included in any terms that might be made. Yet the campaign had left Bocchus in an excellent position for negotiation. He had shown that Mauretania was a great make-weight in the scale against Rome; he had advertised his power as an enemy, his value as an ally; now was the time to see whether the power and the value, so long ignored, would be appreciated by Rome.

But five days are said to have elapsed since the last great conflict with the Moors when envoys from Bocchus waited on Marius in his winter quarters at Cirta.[1] The request which they brought was that "two of the Roman general's most trusty friends should wait on the king, who desired to speak with them on a matter of interest to himself and the Roman people".[2] Marius forthwith singled out Sulla and Manlius, who followed the envoys to the place of meeting that had been arranged. On the way it was agreed by the representatives of Rome that they should not wait for the king to open the discussion. Hitherto every proposal had come from Bocchus; he had been played with, but never given a straightforward answer, still less a sign of real encouragement. Yet no good could be gained by expecting the king to assume a grovelling attitude, by forcing him to begin proposals for peace

[1] According to Sallust (*Jug.* 102. 2); but the fight which he describes may not have been the final battle. See p. 452.

[2] *Ibid.* 102. 2.

with a confession of his own humiliation. It would be far wiser if the commissioners opened with a few spontaneous remarks which might restore rest and dignity to the royal mind. Manlius the elder readily yielded the place of first speaker to the more facile Sulla. If the words which history has attributed to the quaestor[1] were really used by him, they are a record of one of those rare instances in which a diplomatist is able to tell the naked truth. Sulla began by dwelling on the joy which he and his friends derived from the change in Bocchus's mind—from the heaven-sent inspiration which had taught the king that peace was preferable to war. He then dwelt on the fact, which he might have adduced the whole of his country's history to prove, that Rome had been ever keener in the search for friends than subjects, that the Republic had ever deemed voluntary allegiance safer than that compelled by force. He showed that Roman friendship might be a boon, not a burden, to Bocchus; the distance of his kingdom from the capital would obviate a conflict of interests, but no distance was too great to be traversed by the gratitude of Rome. Bocchus had already seen what Rome could do in war; all that he needed to learn was the still greater lesson that her generosity was as unconquerable as her arms. Sulla's words were a genuine statement of the whole theory of the Protectorate, as it was held and even acted on at this period of history. As a proof of the ruinous lengths to which Roman generosity might proceed, he could have pointed to the Numidian war now in the sixth year of its disastrous course. The darker side of the Protectorate—the rapacity of the individual adventurer—was no creation of the government, and needed not to be reproduced on the canvas of the bright picture which he drew. The hopes held out to Bocchus were genuine enough; the burden of his alliance was but slight, its security immense.

The king seemed impressed by the gracious overtures of the commissioners. His answer was not only friendly, but apologetic.[2] He urged that he had not taken up arms in any spirit of hostility to Rome, but simply for the purpose of defending his own frontiers. He claimed that the territory near the Muluccha, which had been harried by Marius, did not belong to Jugurtha at all. He had expelled the Numidian king from this region and it was his by the right of war.[3] He appealed finally to the fact of his own former

[1] Sall. *Jug.* 102. 5. [2] *Ibid.* 102. 12. [3] P. 441.

embassy to Rome; he had made a genuine effort to secure her friendship, but this had been repulsed.[1] He was, however, willing to forget the past; and, if Marius permitted, he would like to send a fresh embassy to the senate. This last request was provisionally granted by the commissioners; Bocchus, in making it, showed a wise and, in consideration of some of the events of this very war,[2] a natural sense of the insecurity of the promises made by Roman commanders, at the same time as he exhibited a justifiable faith in a word once given by the great organ of the Republic. Yet, when the commissioners had taken their departure, his old hesitancy seemed to revive. He consented at least to listen to those of his advisers who still urged the claims of Jugurtha.[3] They had raised their voices again, either at the time when the Roman commissioners were waiting on Bocchus, or immediately after their departure; for Jugurtha had no sooner learnt of his father-in-law's renewed negotiations with Rome than he had used every means (amongst others, we are told, that of costly gifts) to induce his Mauretanian supporters to advocate his cause.

A further stage in the negotiations was reached before the winter season was over, although it is probable that, at the time when this next step was taken by the Mauretanian king, the new year had been passed and the advent of spring was not far off. Marius, who was not fettered in his operations by respect for the traditional seasons which were deemed suitable to a campaign, had started with some flying columns of infantry and a portion of the cavalry to some desert spot, with a view to besiege a fortress still held by Jugurtha, and garrisoned by all the deserters from the Roman army who were now in the king's service. Sulla had been left with the usual title of pro-praetor to represent his absent commander. To the headquarters of the winter camp[4] Bocchus now sent five of his closest friends, men chosen for their approved loyalty and ability.[5] His last access of hesitancy, if it were more than a semblance, had certainly been shortlived, and

[1] *Cf.* Sall. *Jug.* 80. 4. See p. 349.
[2] P. 373. [3] Sall. *Jug.* 102. 15.
[4] The headquarters were doubtless Cirta, to which we find Marius returning (*Ibid.* 104. 1); but shortly afterwards we find Sulla and the envoys coming to Cirta from a place which, according to one reading, is called Tucca (see p. 457). All the troops were probably not concentrated at Cirta, as Marius meant to quarter them in the coast-towns (*Ibid.* 100. 1).
[5] *Ibid.* 103. 2.

the envoys were given full powers to arrange the terms of peace. They had set out with all speed to reach the Roman winter camp, but their journey had been long and painful. They had been seized and plundered on the route by Gaetulian brigands, and now appeared panic-stricken and in miserable plight before the representative of Rome. Stripped of their credentials and the symbols of their high office, they expected to be treated as vagrant impostors from a hostile state; Sulla received them with the lavish dignity that might be the due of princes. The simple nomads felt the charm and the surprise of this first glimpse of the public manners of Rome. Was it possible that these kindly and courteous men were the spoilers of the world? The rumour must be the false invention of the enemies of the bounteous Republic. The untrained mind rapidly argues from the part to the whole, and Sulla's tact had done a great service to his country. He had also established a claim on the Mauretanian king,[1] and this personal tie was not to be without its consequences.

The envoys revealed to the quaestor the instructions of their master, and asked his help and advice in the mission that lay before them. They dwelt with pardonable pride on the wealth, the magnificence, and the honour of their king, and dilated on every point in which the alliance with such a potentate was likely to serve the cause of Rome.[2] Sulla promised them the plenitude of his help; he instructed them in the mode in which they should address Marius, in which they should approach the senate, and continued to be their host for forty days, until his commander was ready to listen to their proposals and forward them on their way. When Marius returned to Cirta after the successful completion of his brief campaign, and heard of the arrival of the envoys, he asked Sulla to bring them[3] to his quarters, and made preparations for assembling as formal a council as the resources of the province permitted. A praetor happened to be within its limits and several men of senatorial rank. All these sat to listen to the proposals

[1] Sall. *Jug.* 104. 3. [2] *Ibid.* 103. 7.

[3] Sulla and the envoys were now at a place which variant readings make either Tucca or Utica (*Ibid.* 104. 1 Illosque et Sullam [ab Tucca *or* Utica] venire jubet, item L. Bellienum praetorem Utica). Utica is rendered improbable by its mention a few words later, although it is possible that the name of this town has been duplicated in the sentence. If we keep Tucca, it cannot be Thugga (Dugga) in Numidia, which is some distance from the coast. It may be the town which Pliny (*Hist. Nat.* v. 2. 21) calls "oppidum Tucca inpositum mari et flumini Amp-

made by Bocchus. The verdict of the council was in favour of the genuineness of the king's appeal, and the proconsul granted the envoys permission to make their way to Rome. They asked an armistice for their king[1] until the mission should be completed. Loud and angry voices were heard in protest—the voices of the narrow and suspicious men who are haunted by the fixed conviction that a request for a cessation of hostilities is always a treacherous attempt at renewed preparations for war. But Sulla and the majority of the board supported the request of the envoys, and the wiser counsel at length prevailed. The embassy now divided; two of its members returned to their king, while three were escorted to Rome by Cnaeus Octavius Ruso, a quaestor who had brought the last instalment of pay for the army and was ready for his return homewards. The language of the envoys before the Roman senate assumed the apologetic tone which had been suggested by Sulla. Their king, they said, had erred; Jugurtha had been the cause of this error. Their master asked that Rome should admit him to treaty relations with herself, that she should call him her friend. It is not impossible that these negotiations had a secret history; that Bocchus was told of some very material reward that he might expect, if Jugurtha were surrendered. But the assumption is not necessary. The magic of the name of Rome had fired the imagination of the African king at the commencement of the struggle; now that his fears were quieted, the end, in whatever form it was attained, may have seemed supremely desirable in itself. His envoys had been schooled by Sulla to expect much more than was promised and to read the senate's words aright. Certainly, if a prize had been offered for Bocchus's fidelity, the offer was carefully concealed. The official form in which the government accepted the petitioner's request, granted a free pardon and expressed a cold probation. "The senate and Roman people (so ran the resolution) are used to be mindful of good service and of wrongs. Since Bocchus is penitent for the past, they excuse his fault. He will be granted a treaty and the name of friend, when he has proved that he deserves the grant."[2]

When Bocchus received this answer, he despatched a letter to Marius asking that Sulla should be sent to advise with him on the

[1] It is possible that this armistice included Jugurtha as well, although this is not stated by Sallust (Sall. *Jug.* 104. 2).

[2] *Ibid.* 104. 5.

matters that touched the common interests of himself and Rome.[1] It was tolerably clear what the subject of interest was. If it could be made "common," the end of the war had been reached. Sulla was despatched, and the final triumph, if attained, would be that of the diplomatist, not of the soldier. The quaestor was accompanied by an escort of cavalry, slingers, and archers, and a cohort of Italians bearing the weapons of a skirmishing force; for the adventures of Bocchus's envoys had shown the insecurity of the route. On the fifth day of the march, a large body of horse was seen approaching from a distance—a force that looked larger and more threatening than it afterwards proved to be; for it rode in open order, and the wild evolutions of the horsemen seemed to be the preliminary to an attack. Sulla's escort sprang to their arms; but the returning scouts soon removed all sense of fear. The approaching band of cavalry proved to be but a thousand strong and their leader to be Volux the son of Bocchus. The prince saluted Sulla and told him that he had been sent to meet and escort him to the presence of the king. For two days the combined forces advanced together, and there were no adventures by the road; but on the evening of the second day, when their resting place had been already chosen, the Moorish prince came hastily to Sulla with a look of perplexity on his face. He said that his scouts had just informed him that Jugurtha was close at hand, he entreated Sulla to join him in flight from the camp while it was yet night.[2] The request was met by an indignant refusal; Sulla pointed to his men, whose lives might be sacrificed by the disgraceful disappearance of their leader. But, when Volux shifted his ground and merely insisted on the utility of a march by night from the dangerous neighbourhood, the quaestor yielded assent. He ordered that the soldiers should take their evening meal, and that a large number of fires should be lit which were to be left burning in the deserted camp. At the first watch the Moors and Romans stole silently from the lines. The dawn found them jaded, heavy with sleep, and longing for rest. Sulla was supervising the measurement of a camp, when some Moorish horsemen galloped up with the news that Jugurtha was but two miles in advance of their position. It was clear that the anxious Numidian was watching their every movement; the question to be answered was "Was Prince Volux in the plot?" The facts seemed

[1] Sall. *Jug.* 105. 1. [2] *Ibid.* 106. 2.

dark enough to justify any suspicion. The nerves of the Romans had been shaken by the unknown danger which had forced them to leave their camp, by the night of sleepless watchfulness which had followed its abandonment. A panic was the inevitable result, and panic leads to fury. Voices were raised that the Moorish traitor should be slain, and that, if the fruit of his treason was reaped, he at least should not be allowed to see it. Sulla himself was weighed down with the same suspicion that animated his men, but he would not allow them to lay violent hands on the Moor.[1] He encouraged them as best he might, then he turned with a passionate protest on his dubious companion. He called the protecting god of his own race, the guardian of its international honour, Jupiter Maximus, to witness the crime and perfidy of Bocchus, and he ordered Volux to leave his camp. The unhappy prince was probably in a state of genuine terror of Jugurtha, of complete uncertainty as to the intentions of that jealous kinsman and ally. Even had Volux known that his father Bocchus wished to play a double game, to balance the helplessness of Sulla against that of Jugurtha, to hold two valuable hostages in his hands at once, how could he be certain that Jugurtha would be content to play the part of a mere pawn in the king's game, to be dependent for his safety on the passing whim of a man whom he distrusted? Jugurtha might have everything to gain by massacring the Romans and seizing Sulla. The act would compromise Bocchus hopelessly in the eyes of the Roman government. There was hardly a man that would not believe in his treason, and from that time forth Bocchus would have no choice but to be the firm ally of Numidia against the vengeance of Rome. Yet, if Volux acted or spoke as though he believed in the possibility of this issue, he might seem to be incriminating his father and himself, he might seem to deserve the stern rebuke of Sulla and the order of expulsion from the Roman camp. His fears must therefore be concealed and he must profess a confidence which he did not feel. With tears which may have expressed a genuine emotion, he entreated Sulla not to harbour the unworthy suspicion. There had been no preconcerted treachery; the danger was at the most the product of the cunning of Jugurtha, who had discovered their route. Volux implied that the object of the Numidian's movement was to compromise the Moorish government in the eyes of Sulla; but he stated his

[1] Sall. *Jug.* 107. 1.

emphatic belief that Jugurtha would, or could, do no positive hurt to the Roman envoy or his retinue. He pointed out that the king had no great force at his command, and (what was more important still) that he was now wholly dependent on the favour of his father-in-law. It was incredible, he maintained, that Jugurtha would attempt any overt act of hostility, when the son of Bocchus was present to be a witness to the crime. Their best plan would be to show their indifference to his schemes, to ride in broad daylight through the middle of his camp. If Sulla wished, he would send on the Moorish escort, or leave it where it was and ride with him alone.

It was one of those situations which are the supreme tests of the qualities of a man. Sulla knew that his life depended on the caprice, or the momentary sense of self-interest, of a barbarian who was believed to have shrunk from no crime and on whose head Rome had put a price. Yet he did not hesitate. He passed with Volux through the lines of Jugurtha's camp, and the desperate Numidian never stirred. What motive held his hand was never known; it may have been that Jugurtha never intended violence; yet the failure of his plan of compromising Bocchus might well have stirred such a ready man to action; it may have been that he still relied on his influence with the Mauretanian king, which was perpetuated by his agents at the court. But some believed that his inaction was due to surprise, and that the transit of Sulla through the hostile camp was one of those actions which are rendered safe by their very boldness.[1]

In a few days the travellers had reached the spot where Bocchus held his court. The secret advocates of Numidia and Rome were already in possession of the king.[2] Jugurtha's representative was Aspar, a Numidian subject who had been sent by his master as soon as the news had been brought of Bocchus's demand for the presence of Sulla. He had been sent to watch the negotiations and, if possible, to plead his monarch's cause. The advocate of Rome was Dabar, also a Numidian but of the royal line and therefore hostile to Jugurtha. He was a grandson of Masinissa, but not by legitimate descent, for his father had been born of a concubine of the king.[3] His great parts had long recommended him to Bocchus,

[1] Sall. *Jug.* 107. 6. *Cf.* Plut. *Sulla* 3. [2] *Ibid.* 108.

[3] This is apparently the meaning of Sallust (*Ibid.* 108. 1) when he describes Dabar as Massugradae filius, ex gente Masinissae, ceterum materno genere in-[illegible] pater ejus ex concubina ortus erat).

and his known loyalty to Rome made him a useful intermediary with the representative of that power. He was now sent to Sulla with the intimation that Bocchus was ready to meet the wishes of the Roman people; that he asked Sulla himself to choose a day, an hour and a place for a conference; that the understanding, which already existed between them, remained wholly unimpaired. The presence of a representative of Jugurtha at the court should cause no uneasiness. This representative was only tolerated because there was no other means of lulling the suspicion of the Numidian king. We do not know what Sulla made of this presentment of the case; but somewhere in the annals of the time there was to be found an emphatic conviction that Bocchus was still playing a double game, that he was still revolving in his mind the respective merits of a surrender of Jugurtha to the Romans and of Sulla to Jugurtha;[1] that his fears prompted the first step, his inclinations the second, and that this internal struggle was waged throughout the whole of the tortuous negotiations which ensued.

Sulla, in accepting the promised interview, replied that he did not object to the presence of Jugurtha's legate at the preliminaries; but that most of what he wished to say was for the king's ear alone, or at least for those of a very few of his most trusted counsellors. He suggested the reply that he expected from the king, and after a short interval was led into Bocchus's presence. At this meeting he gave the barest intimation of his mission; he had been sent, he said, by the proconsul[2] to ask the king whether he intended peace or war. It had been arranged that Bocchus should make no immediate answer to this question, but should reserve his reply for another date. The king now adjourned the audience to the tenth day, intimating that on that day his intention would be decided and his reply prepared. Sulla and Bocchus both retired to their respective camps; but the king was restless, and at a late hour of that very night a message reached Sulla entreating an immediate and secret interview. No one was present but Dabar, the trusty go-between, and interpreters whose secrecy was assured. The narrative of this momentous meeting[3] is therefore due to Sulla, whose fortunate pos-

[1] Sall. *Jug.* 108. 3 Sed ego conperior Bocchum magis Punica fide quam ob ea, quae praedicabat, simul Romanos et Numidam spe pacis attinuisse, multumque cum animo suo volvere solitum, Jugurtham Romanis an illi Sullam traderet; lubidinem advorsum nos, metum pro nobis suasisse.

[2] *Ibid.* 109. 2 Dicit se missum a consule. Marius was really proconsul.

[3] *Ibid.* 110.

session of literary tastes has revealed a bit of secret history to the world. The king began with some complimentary references to his visitor, an acknowledgment of the great debt that he owed him, a hope that his benefactor would never be weary of attempting to exhaust his boundless gratitude. He then passed to the question of his own future relations with Rome. He repeated the assertion, which he had made on the occasion of Sulla's earlier visit, that he had never made, or even wished for, war with the people of Rome, that he had merely protected his frontiers against armed aggression. But he was willing to waive the point. He would impose no hindrance to the Romans waging war with Jugurtha in any way they pleased. He would not press his claim to the disputed territory east of the Muluccha. He would be content to regard that river, which had been the boundary between his own kingdom and that of Micipsa, as his future frontier. He would not cross it himself nor permit Jugurtha to pass within it. If Sulla had any further request to urge, which could be fairly made by the petitioner and honourably granted by himself, he would not refuse it.

A strict and safe neutrality was the tentacle put out by Bocchus. The only shadow of a positive service by which he proposed to deserve the alliance of Rome, was the abandonment of a highly disputable claim to a part of Jugurtha's possessions. It was certainly time to bring the monarch to the real point at issue, and Sulla pressed it home. He began by a brief acknowledgment of the complimentary references which the king had made to himself, and then indulged in some plain speaking as to the expectations which the Roman government had formed of their would-be ally.[1] He pointed out that the offers made by Bocchus were scarcely needed by Rome. A power that possessed her military strength would not be likely to regard them in the light of favours. Something was expected which could be seen to subserve the interests of Rome far more than those of the king himself. The service was patent. He had Jugurtha in his power; if he handed him over to Rome, her debt would certainly be great, and it would be paid. The recognition of friendship, the treaty which he sought, and the portion of Numidia which he claimed—all these would be his for the asking. The king drew back; he urged the sacred bonds of relationship, the scarce less sacred tie of the treaty which bound him to his son-in-law; he emphasised the danger to himself of such a flagrant breach

[1] Sall. *Jug.* III.

of faith. It might alienate the hearts of his subjects, who loved Jugurtha and hated the name of Rome.[1] But Sulla continued to press the point; the king's resistance seemed to give way, and at last he promised to do everything that his persistent visitor demanded. It was agreed, however, between the two conspirators that it was necessary to preserve a semblance of peaceful relations with Jugurtha. A pretence must be made of admitting him to the terms of the convention; this would be a ready bait, for he was thoroughly tired of the war. Sulla agreed to this arrangement as the only means of entrapping his victim; to Bocchus it may have had another significance as well; it still left his hands free.

The next day witnessed the beginning of the machinations that were to end in the sacrifice of a Numidian king or a Roman magistrate. Bocchus summoned Aspar, the agent of Jugurtha, and told him that a communication had been received from Sulla to the effect that terms might be considered for bringing the war to a close; he therefore asked the legate to ascertain the views of his sovereign.[2] Aspar departed joyfully to the headquarters of Jugurtha, who was now at a considerable distance from the scene of the negotiations. Eight days later he returned with all speed, bearing a message for the ear of Bocchus. Jugurtha, it appeared, was willing to submit to any conditions. But he had little confidence in Marius. It had often happened that terms of peace sanctioned by Roman generals had been declared invalid. But there was a way of obtaining a guarantee. If Bocchus wished to secure their common interests and to enjoy an undisputed peace, he should arrange a meeting of all the principals to the agreement, on the pretext of discussing its terms. At that meeting Sulla should be handed over to Jugurtha. There could be no doubt that the possession of such a hostage would wring the consent of the senate and people to the terms of the treaty; for it was incredible that the Roman government would leave a member of the nobility, who had been captured while performing a public duty, in the power of his foes.

Bocchus after some reflection consented to this course. Then, as later, it was a disputed question whether the king had even at this stage made up his mind as to his final course of action.[3] When

[1] Sall. *Jug.* III. 2. [2] *Ibid.* 112. 1.

[3] Haec Maurus secum ipse diu volvens tandem promisit, ceterum dolo an vere cunctatus parum comperimus (*Ibid.* 113. 1).

the time and place for the meeting had been arranged, the nature of the treachery was still uncertain. At one moment the king was holding smiling converse with Sulla, at another with the envoy of Jugurtha. Precisely the same promises were made to both; both were satisfied and eager for the appointed day. On the evening before the meeting Bocchus summoned a council of his friends; then the whim took him that they should be dismissed, and he passed some time in silent thought. Before the night was out he had sent for Sulla, and it was the cunning of the Roman that set the final toils for the Numidian. At break of day the news was brought that Jugurtha was at hand. Bocchus, attended by a few friends and the Roman quaestor, advanced as though to do him honour, and halted on some rising ground which put the chief actors in the drama in full view of the men who lay in ambush. Jugurtha proceeded to the same spot amidst a large retinue of his friends; it had been agreed that all the partners to the conference should come unarmed.[1] A sign was given, and the men of the ambuscade had sprung from every side upon the mound. Jugurtha's retinue was cut down to a man; the king himself was seized, bound and handed over to Sulla. In a short while he was the prisoner of Marius.

Every one had long known that the war would be closed with the capture of the king. Marius could leave for other fields and dream other dreams of glory. But even the utter collapse of resistance in Numidia did not obviate the necessity for a considerable amount of detailed labour, which absorbed the energy of the commander during the closing months of the year. Even when news had been brought from Rome that a grateful people had raised him to the consulship for the second time, and that a task greater than that of the Numidian war had been entrusted to his hand,[2] he did not immediately quit the African province, and it is probable that at least the initial steps of the new settlement of Numidia determined by the senate, were taken by him. The settlement was characteristic of the imperialism of the time. The government declined to extend the evils of empire westward and southward, to make of Mauretania another Numidia, and to enter on a course of border

[1] This must have been the agreement, although Sallust says only Eodem Numida cum plerisque necessariis inermis, uti dictum erat, adcedit (Sall. *Jug.* 113. 6).

[2] *Ibid.* 114. 3.

warfare with the tribes that fringed the desert. It therefore refused to recognise Numidia as a province. In default of an abler ruler, Gauda was set upon the throne of his ancestors;[1] he had long had the support of Marius,[2] and seems indeed to have been the only legitimate claimant. But he was not given the whole of the realm which had been swayed by Masinissa and Micipsa. The aspirations of Bocchus for an extension of the limits of Mauretania had to be satisfied, partly because it would have been ungenerous and impolitic to deprive of a reward that had been more than hinted at,[3] a man who had violated his own personal inclinations and the national traditions of the subjects over whom he ruled, for the purpose of performing a signal service to Rome; partly because it would have been dangerous to the future peace of Numidia, and therefore of Rome, to leave the question of Bocchus's claims to territory east of the Muluccha unsettled, especially with such a ruler as Gauda on the throne. The western part of Numidia was therefore attached to the kingdom of Mauretania; nearly five hundred miles of coast line may have been transferred, and the future boundary between the two dominions may have been the port of Saldae on the west of the Numidian gulf.[4] The wisdom of this settlement is proved by its success. Until Rome herself becomes a victim to civil strife, and her exiles or conquerors play for

[1] Gauda is called king in an inscription which gives the whole house of Juba II. The inscription (C. I. L. II. n. 3417) runs:—Regi Jubae reg(is) Jubae filio regi(s) Iempsalis n. regis Gau(dae) pronepoti regis Masiniss(ae) pronepotis nepoti IIvir quinq. patrono coloni (the *coloni*, who set up the inscription, having made Juba II IIvir quinquennalis *honoris causa*). The only doubt which affects the belief in Gauda's succession arises from a passage in Cic. *post Red. ad Quir.* 8. 20. Cicero here says (Marius) cum parva navicula pervectus in Africam, quibus regna ipse dederat, ad eos inops supplexque venisset. There can be no doubt that Marius fled to Hiempsal, not to Gauda. But it has been pointed out that Cicero's expression is "ad eos," not "ad eum". The plural probably refers to the whole "domus" of the monarch and would include both Gauda and Hiempsal. See Biereye *Res Numidarum et Maurorum* p. 7.

[2] P. 413. [3] P. 463.

[4] Mauretania subsequently includes the region of Caesariensis, but it has been thought probable that the territory of Sitifis on the east was not added until the new settlement in 46 B.C. (Mommsen *Hist. of Rome* bk. iv. c. 4). The territory between the Muluccha and Saldae might, therefore, have been added after the close of the war with Jugurtha. See Müller *Numismatique de l'Afrique* p. 4; Mommsen *l.c.*; Göbel *Die Westküste Afrikas im Altertum* p. 93; Biereye *op. cit.* p. 6.

It is very questionable whether the limits of the Roman province were in any way extended at the expense of Numidia. Such additions as Vaga and Sicca probably belong to the settlement of 46 B.C. See Tissot *Géogr. comp.* ii. pp. 21 foll. It has sometimes been thought that the attachment of Leptis Magna to Rome (p. 429) was permanent (Wilmanns in C. I. L. viii. p. 2) and that Tripolis became a part of the Roman province (Marquardt *Staatsverw.* i. p. 465), but Tissot (*op. cit.* ii. p. 22) believes that Leptis remained a free city.

the help of her own subjects, Numidia ceases to be a factor in Roman politics. The mischief of interfering in dynastic questions had been made too patent to permit of the rash repetition of the dangerous experiment.

In comparison with the settlement of Numidia, the ultimate fate of its late king was a matter of little concern. But Jugurtha had played too large a part in history to permit either the historian, or the lounger of the streets who jostled his neighbour for the privilege of gazing with hungry eyes at the visage and bearing of the terrible warrior, to be wholly indifferent to his end. The prisoner was foredoomed. Had he not for years been treated as an escaped criminal, not as a hostile king? If one ignored his outrages on his own race, had he not massacred Roman merchants, prompted the treacherous slaughter of a Roman garrison, and devised the murder of a client of the Roman people in the very streets of Rome? In truth, a formidable indictment might be brought against Jugurtha, nor was it the care of any one to discriminate which of the counts referred to acts of war, and which must be classed in the category of merely private crimes. It was sufficient that he was an enemy (which to the Roman mind meant traitor) who had brought death to citizens and humiliation to the State, and it is probable that, had the Numidian been the purest knight whose chivalrous warfare had shaken the power of Rome, he would have taken that last journey to the Capitol. It was the custom of Rome, and any derogation of the iron rule was an act of singular grace. The stupidity of the mob, which is closely akin to its brutality, was utterly unable to distinguish between the differences in conduct which are the result of the varying ethical standards of the races of the world, or even to balance the enormities committed by their own commanders against those which could be fastened on the enemy whom they had seized. And this lack of imagination was reflected in a cultured government, partly because their culture was superficial and they were still the products of the grim old school which had produced their ferocious ancestors, partly for reasons that were purely politic. The light hold which Rome held over her dependants, could only be rendered light by acts of occasional severity; the world must be made to see the consequences of rebellion against a sovereign. But the true justification for Roman rigour was not dependent on such considerations, which are often of a highly disputable kind, nearly so much as on the normal

attitude of the Roman mind itself. Cruelty was but an expression of Roman patriotism; with characteristic consistency they applied much the same views to their citizens and their subjects, and their treatment of captured enemies was but one expression of the spirit which found utterance in their own terrible law of treason.

When Marius celebrated his triumph on the 1st of January in the year which followed the close of the Numidian war,[1] Jugurtha and his two sons walked before his chariot. While the pageant lasted, the king still wore his royal robes in mockery of his former state; when it had reached its bourne on the Capitol, the degradation and the punishment were begun. But it was believed by some that neither could now be felt, and that it was a madman that was pushed down the narrow stair which leads to the rock-hewn dungeon below the hill.[2] His tunic was stripped from him, the golden rings wrested from his ears, and, as the son of the south[3] stepped shivering into the well-like cavern, the cry "Oh! what a cold bath!" burst from his lips. Of the stories as to how the end was reached, the more detailed speaks of a protracted agony of six days until the prisoner had starved to death, his weakened mind clinging ever to the hope that his life might yet be spared.[4]

The minor prize of the Numidian war was a quantity of treasure —including more than three thousand pounds' weight of gold and over five thousand of silver[5]—which was shown in the triumph of Marius before it was deposited in the treasury. It was indeed the only permanent prize of the war which could be exhibited to the people; if one excepted two triumphs and the recognition of the merit of three officials, there was nothing else to show. It was

[1] Sall. *Jug.* 114. 3; Liv. *Ep.* lxvii; C. I. L. i. n. xxxiii p. 290 Eum (Jugurtham) cepit et triumphans in secundo consulatu ante currum suum duci jussit . . . veste triumphali calceis patriciis [? *in senatum venit*]. It is questionable, however, whether the last words of this Arretine inscription (words which do not immediately follow the account of the Numidian triumph) can be brought into connection with the story told by Plutarch (*Mar.* 12) that Marius, either through forgetfulness or clumsiness, entered the senate in his triumphal dress. They seem to refer to some special honours conferred after the defeat of the Germanic tribes. It is possible that the conferment of this honour gave rise to the malicious story, which became not only distorted but misplaced.

[2] Plut. *Mar.* 12.

[3] Ihne *Röm. Gesch.* v. p. 164 Wo dem Sohn des Südens der Schmerzenschrei entfuhr.

[4] Plut. *Mar.* 12. The epitomator of Livy (lxvii.) says in carcere necatus est. The word *necatus* is quite consistent with a death such as that described by Plutarch. See Festus, pp. 162, 178.

[5] Plut. *l.c.*

difficult to justify the war even on defensive grounds, for it would have required a courageous advocate to maintain that the mere recognition of Jugurtha as King of Numidia would have imperilled the Roman possessions in Africa; and, if the struggle had assumed an anti-Roman character, this result had been assisted, if not secured, by the tactics of the opposition which had systematically foiled every attempt at compromise. But a war, which it is difficult to justify and still more difficult to remember with satisfaction, may be the necessary result of a radically unsound system of administration: and the disasters which it entails may be equally the consequence of a military system, excellent in itself but ill-adapted to the circumstances of the country in which the struggle is waged. These are the only two points of view from which the Numidian war is remarkable on strategic or administrative grounds. The strategic difficulties of the task do nothing more than exhibit the wisdom of the majority of the senate, and of the earlier generals engaged in the campaign, in seeking to avoid a struggle at almost any cost. A military system is conditioned by the necessities of its growth; even that of an empire is seldom sufficiently elastic to be equally adapted to every country and equally capable of beating down every form of armed resistance. The Roman system had been evolved for the type of warfare which was common to the civilised nations around the Mediterranean basin—nations which employed heavily armed and fully equipped soldiers as the main source of their fighting strength, and which were forced to operate within a narrow area, on account of the possession of great centres of civilisation which it was imperative to defend. Its mobility was simply the mobility of a heavy force of infantry with a circumscribed range of action; in the days of its highest development it was still strikingly weak in cavalry. It had already shown itself an imperfect instrument for putting down the guerilla warfare of Spain; it had never been intended for the purposes of desert warfare, or to effect the pacification of nomad tribes extending over a vast and desolate territory. Even as the Parthian war of Trajan required the formation of what was practically a new army developed on unfamiliar lines, so the complete reorganisation of the Republican system would have been essential to the effective conquest of Numidia. The slight successes of this war, such as the taking of Thala and of Capsa and the victories near Cirta, were attained by judicious adaptations to the new con-

ditions, by the employment of light infantry and the increased use of cavalry; but even these improvements were of little avail, for effective pursuit was still impossible, and without pursuit the conflict could not be brought to a close. The unkindness of the conditions almost exonerates the generals who blundered during the struggle, and to an unprejudiced observer the record of incompetence is slight. The fact that the inconclusive proceedings of Metellus and Marius were deemed successes, almost justifies the exploits of a Bestia, and even the crowning disaster of the war—the surprise of the army of Aulus Albinus—might have been the lot of a better commander opposed to an enemy so far superior in mobility and knowledge of the land. Most wars of this type are destructive of military reputations; the general is fortunate who can emerge as the least incapable of the host of blunderers. If we adopt this relative standard, one fortunate issue of the campaign may be held to be the discovery that Marius was not unworthy of his military reputation. The verdict, it is true, was not justified by positive results; but it was the verdict of the army that he led and as incapable of being ignored as all such judgments are. His leadership had been characterised at least by efficiency in detail, and this efficiency had been secured by gentle measures, by unceasing vigilance, by the cultivation of a true soldierly spirit, and by the untiring example of the commander. The courage of the innovator—a courage at once political and military—had also given Rome, in the mass of the unpropertied classes, a fathomless source from which she could draw an army of professional soldiers, if she possessed the capacity to use her opportunities.

The political issues of the war were bound up with those which were strategic, both in so far as the hesitancy of the senate to enter on hostilities was based on a just estimate of the difficulties of the campaign, and in so far as the policy of smoothing over difficulties in a client state by diplomatic means, in preference to stirring up a hornet's nest by the thrust of the sword, was one of the traditional maxims of the Roman protectorate. But this second issue raised the whole of the great administrative question of the limits of the duties which Rome owed to her client kings. Such a question not infrequently suggests a conflict of duty with interest. The claims of Adherbal for protection against his aggressive cousin might be just, but even to many moderate men, not wholly vitiated by the maxims of a Machiavellian policy, they may have appeared intoler-

able. Was Rome to waste her own strength and stake the peace of the empire on a mere question of dynastic succession? Might it not be better to allow the rivals to fight out the question amongst themselves, and then to see whether the man who emerged victorious from the contest was likely to prove a client acceptable and obedient to Rome? There was danger in the course, no doubt: the danger inherent in a vicious example which might spread to other protected states; but might it not be a slighter peril than that involved in dethroning a ruler, who had proved his energy and ability, his familiarity with Roman ways, and his knowledge of Roman methods, above all, his possession of the confidence of the great mass of the Numidian people? Nay, it might be argued that Adherbal had by his weakness proved his unfitness to be an efficient agent of Rome. It might be asked whether such a man was likely to be an adequate representative of Roman interests in Africa, an adequate protector of the frontiers of the province. On the other hand, it must be admitted that the advocates of interference had something more than the claim of justice and the claim of prestige on their side. It was an undisputed fact that the division of power in Numidia, at the time when the question was presented to Rome, showed that Adherbal stood for civilisation and Jugurtha for barbarism. This was an issue that might not have been manifest at first, although any one who knew Numidia must have been aware that the military spirit of the country which was embodied in Jugurtha, was not represented in the coast cities with their trading populations drawn from many towns, but in the remote agricultural districts and the deserts of the west and south; but it was an issue recognised by the commissioners when they assigned the more civilised portion of the kingdom to Adherbal, and the territories, whose strength was the natural wealth and the manhood which they yielded, to his energetic rival; and it was one that became painfully apparent when Jugurtha led his barbarous hordes against Cirta, and when these hordes in the hour of victory slew every merchant and money-lender whom they could find in the town. It was this aspect of the question that ultimately proved the decisive factor in bringing on the war; for the claims of justice could now be reinforced by those of interest, and the interest which was at stake was that of the powerful moneyed class at Rome. It was this class that not only forced the government to war, but insisted on seeing the war through to its bitter end. It was

this class that systematically hindered all attempts at compromise, that brandished its control of the courts in the face of every one who strove to temper war with hopes of peace, that tolerated Metellus until he proved too dilatory, and sent out Marius in the vain hope that he might show greater expedition. The close of the war was a singular satire on their policy, a remarkable proof of the justice of the official view. The end came through diplomacy, not through battle, through an unknown quaestor who belonged to the old nobility and possessed its best gifts of facile speech and suppleness in intrigue, not through the great "new man" who was to be a living example of what might be done, if the middle class had the making of the ministers of the State.

But the moneyed class could hardly have developed the power to force the hand of the council of state, had it not been in union with the third great factor in the commonwealth, that disorganised mass of fluctuating opinion and dissipated voting power which was known as "the people". How came the Populus Romanus to be stirred to action in this cause, with the result that the balance of power projected by Caius Gracchus was again restored? Much of their excitement may have been the result of misrepresentation, of the persistent efforts made by the opposition to prove that all parleying with the enemy was tantamount to treason; more must have been due to the dishonouring news of positive disaster which marked a later stage of the war; but the mingled attitude of resentment and suspicion with which the people was taught to regard its council and its ministers, seems to have been due to the genuine belief that many of the former and nearly all of the latter were hopelessly corrupt. This darkest aspect of the Numidian war is none the less a reality if we believe that the individual charges of corruption were not well founded, and that they were mere party devices meant to mask a policy which would have been impossible without them. The proceedings of the Mamilian commission certainly commanded little respect even from the democrat of a later day;[1] but it is with the suspicion of corruption, rather than with the justice of that suspicion in individual cases, that we are most intimately concerned. A political society must be tainted to the core, if bribery can be given and accepted as a serious and adequate explanation of the proceedings of its leading members. The sus-

[1] P. 378.

picion was a condemnation of the State rather than of a class. It might be tempting to suppose that the disease was confined to a narrow circle (by a curious accident to the circle actually in power); but of what proof did such a supposition admit? The leaders of the people were themselves members of the senatorial order and scions of the nobility of office. Marius the "new man" might thunder his appeal for a purer atmosphere and a wider field; but it would be long, if ever, before the councils of the State would be administered by men who might be deemed virtuous because their ancestors were unknown.

But for a time the view prevailed that the interests of the State could best be served by a combination of powerful directors of financial corporations with patriotic reformers, invested with the tribunate, struggling for higher office, and expressing their views of statecraft chiefly in the form of denunciations of the government. Such a coalition might form a powerful and healthy organ of criticism; but it could only become more by serving as a mere basis for a new executive power. As regards the nature of this power and even the necessity for its existence, the views of the discontented elements of the time were probably as indefinite as those of the adherents of Caius Gracchus. The Republican constitution was an accepted fact, and the senate must at least be tolerated as a necessary element in that constitution; for no one could dream of finding a coherent administration either in the Comitia or in the aggregate of the magistrates of the people. Now, as at all times since the Roman constitution had attained its full development, the only mode of breaking with tradition in order to secure a given end which the senate was supposed to have neglected, was to employ the services of an individual. There was no danger in this employment if the individual could be overthrown when his work had been completed, or when the senate had regained its old prestige. The leader elevated to a purely civil magistracy by the suffrages of the people was ever subject to this risk; if his personal influence outgrew the necessities of his task, if he ceased to be an agent and threatened to be a master, the mere suspicion of an aspiration after monarchy would send a shudder of reaction through the mass of men which had given him his greatness. As long as the cry for reform was based on the existence of purely internal evils, which the temporary power of a domestic magistracy such as the tribunate might heal, the least even of the most timid constitutionalist did not deserve

to be agitated by alarm for the security of the Republican government. But what if external dangers called for settlement, if the eyes of the mercantile classes and the proletariate were turned on the spectacle of a foreign commerce in decay and an empire in disorder, if the grand justification for the senate's authority—its government of the foreign dependencies of Rome—were first questioned, then tossed aside? Would not the individual makeshift have in such a case as this to be invested with military authority? Might not his power be defended and perpetuated by a weapon mightier than the voting tablet? Might not his supporters be a class of men, to whom the charms of civil life are few, whose habits have trained them to look for inspiration to an individual, not to a corporation, still less to that abstraction called a constitution—of men not subjected to the dividing influences, or swayed by the momentary passions, of their fellows of the streets? In such a case might not the power of the individual be made secure, and what was this but monarchy?

Such were the reflections suggested to posterity by the power which popularly-elected generals began to hold from the time of the Numidian war. But such were not the reflections of Marius and his contemporaries. There was no precedent and no contemporary circumstance which could suggest a belief in any danger arising from the military power. The experiment of bearding the senate by entrusting the conduct of a campaign to a popular favourite had been tried before, and, whether its immediate results were beneficial or the reverse, it had produced no ulterior effects. Whether the people had pinned its faith on men of the nobility such as the two Scipios, or on a man of the people like Varro, such agents had either retired from public life, confessed their incapacity, or returned to serve the State. The armies which such generals had led were composed of well-to-do men who, apart from the annoyance of the levy, had no ground of complaint against the commonwealth: and the change in the recruiting system which had been introduced by Marius, was much too novel and too partial for its consequences to be forecast. Nor could any one be expected to see the fundamental difference between the Rome of but two generations past and the Rome of the day—the difference which sprang from the increasing divergence of the interests of classes, and the consequent weakening of confidence in the one class which had "weathered the storm and been wrecked in a calm". Aristocracy is the true leveller of merit.

but, if it lose that magic power by ceasing to be an aristocracy, then the turn of the individual has come.

The fact that it was already coming may justify us in descending from the general to the particular and remarking that the question "Who deserved the credit of bringing the war with Jugurtha to an end?" soon excited an interest which appealed equally to the two parties in the State and the two personalities whom the close of the episode had revealed. It was natural that the success of Sulla should be exploited by resentful members of the nobility as the triumph of the aristocrat over the parvenu, of the old diplomacy and the old bureaucracy over the coarse and childish methods of the opposition; it was tempting to circulate the view that the humiliation of Metellus had been avenged, that the man who had slandered and superseded him had found an immediate nemesis in a youthful member of the aristocracy.[1] Such a version, if it ever reached the ears of the masses, was heard only to be rejected; the man who had brought Jugurtha in chains to Rome must be his conqueror, and, even had this evidence been lacking, they did not intend to surrender the glory which was reflected from the champion whom they had created. Nor even in the circles of the governing class could this controversy be for the moment more than a matter for idle or malicious speculation. Hard fighting had to be done against the barbarians of the north, a reorganisation of the army was essential, and for both these purposes even they admitted that Marius was the necessary man. Even the two men who were most interested in the verdict were content to stifle for the time, the one the ambitious claim which was strengthened by a belief in its justice, the other the resentful repudiation, which would have been rendered all the more emphatic from the galling sense that it could not be absolute. In the coming campaigns against the Germans Sulla served first as legate and afterwards as military tribune in the army of his old commander.[2] But his own conviction of the part which he had played in the Numidian war was expressed in a manner not the less irritating because it gave no reasonable ground for offence. He began wearing a signet ring, the seal of which showed Bocchus delivering Jugurtha into his hand.[3] This emblem was destined to grate on the nerves of Marius in a still more offensive form, for thirteen years later, when his work had been done and his glory had

[1] Plut. *Mar.* 10. [2] Plut. *Sulla* 4.
[3] Plut. *Mar.* 10; *Sulla* 3.

begun to wane, Rome was given an unexpected confirmation of the truthfulness of the scene which it depicted. The King of Mauretania, eager to conciliate the people of Rome while he showed his gratitude to Sulla, sent as a dedicatory offering to the Capitol a group of trophy-bearing Victories who guarded a device wrought in gold, which showed Bocchus surrendering to Sulla the person of the Numidian king. Marius would have had it removed, but Sulla's supporters could now loudly assert the claim, which had been only whispered when the dark cloud of barbaric invasion hung over the State and the loyal belief of the people in Marius was quickened by their fears.[1]

Yet, although at the close of the Numidian war an appalling danger to the empire tended to perpetuate the coalition that had been formed between the mercantile classes and the proletariate, and to wring from the senate an acceptance of the new military genius with his plans for reform, there are clear indications which prove that an ebb of political feeling had been witnessed even during the last three years—a turn of the tide which shows how utterly unstable the coalition against the senate would have been, had it not been reinforced by the continuance of disasters abroad. The first sign of the reaction was the flattering reception and the triumph of Metellus;[2] and it may have been this current of feeling which decided the consular elections for the following year. The successful candidates were Caius Atilius Serranus and Quintus Servilius Caepio. Of these Serranus could trace his name back to the great Reguli of Carthaginian fame;[3] the family to which he belonged, although plebeian, had figured amongst the ranks of the official nobility since the close of the fourth century, although it is known to have furnished the State with but five consuls since the time of Caius Regulus. The merit which Serranus possessed in the eyes of the voters who elevated him to his high office, was a puzzle to posterity; for such nobility as he could boast seemed the only compensation for the lack of intelligence which was supposed to characterise his utterances and his conduct.[4] But, if we may judge from the resolution which he subsequently

[1] Plut. *Sulla* 6.

[2] P. 435.

[3] Ancient writers derive the name from *serere* and connect it with a story of the family of the Reguli (Plin. *Hist. Nat.* xviii. 3. 20; Verg. *Aen.* vi. 844; Val. Max. iv. 4. 5). But the name appears on coins as "Saranus" (Eckhel v. p. 146). It seems, however, to be true that the name was borne by, or applied to, C. Atilius Regulus, the consul of 257 B.C. See Klebs in Pauly-Wissowa *R. E.* p. 2095.

[4] Cic. *pro Planc.* 5. 12.

displayed in combating revolution at Rome,[1] he was known to be a supporter of the authority of the senate, and his aristocratic proclivities may have led to his association with his more distinguished colleague Caepio. The latter belonged to a patrician clan, and to a branch of that clan which had lately clung to the highest political prizes with a tenacity second only to that of the Metelli. Caepio's great-grandfather, his grandfather, his father and his two uncles had all filled the consulship; and his own hereditary claim to that office had been rendered more secure by some good service in Lusitania, which had secured him a military reputation and the triumph which he enjoyed in the very year that preceded his candidature.[2] His political sentiments may have been known before his election; but the very fact of his elevation to the consulship, and his appreciation of the direction in which the tide of public feeling seemed to be running, gave a definiteness to his views and a courage to his reforming conservatism, which must have surprised his supporters as well as his opponents, and may not have been altogether pleasing to the extreme members of the former party. It must have been believed that a rift was opening between the moneyed classes and the people, and that the latter, satisfied with their recent political triumph and reconciled by the honest passivity of the senate, were content to resume their old allegiance to the governing class. It must even have been held that a spirit of repentance and indignation could be awakened at the reckless and selfish use which the knights had made of the judicial power entrusted to their keeping, that the Mamilian commission could be represented as an outrage on the public conscience, and the ordinary cognisance of public crimes as a reign of terror intended merely to ensure the security of investments.[3] The knights were to be attacked in their stronghold, and Caepio came forward with a new judiciary law. Two accounts of the scope of this measure have come down to us. According to the one, the bill proposed that jurisdiction in the standing criminal courts should be shared between

[1] In the movement connected with the proceedings of Saturninus in 100 B.C. (Cic. *pro Rab.* 7. 21).

[2] Eutrop. iv. 27; Val. Max. vi. 9. 13; *Fast. triumph.*

[3] Yet no very recent cases *repetundarum* are known. The last seems to have been the accusation of M. Valerius Messala (Gell. xv. 14). About this time C. Flavius Fimbria was accused by M. Gratidius and acquitted in spite of the hostile evidence of M. Aemilius Scaurus (Cic. *pro Font.* 11. 24; *Brut.* 45. 168; Val. Max. viii. 5. 2; Rein *Criminalrecht* p. 649); but even if, with Rein, we assign this case to 106 and not to a time later than Fimbria's consulship, the judiciary law must have been prepared before the trial.

the senators and the equites;[1] according to the other, this jurisdiction was to be given to the senate.[2] That the latter result was meant to be attained in some way by the law, is perhaps shown by the intense dislike which the equestrian order entertained in later times to any laudatory reference to the hated Servilian proposal:[3] and, although a class which has possessed and perhaps abused a monopoly of jurisdiction, may object to seeing even a share of it given to their enemies and their victims, yet this resentment would be still more natural if the threatened transference of jurisdiction from their order was to be complete. But, in any case, we cannot afford to neglect the express testimony to the fact that the senate was to have possession of the courts; and the only method of reconciling this view with the other tradition of a partition of jurisdiction between the orders, is to suppose that Caepio attempted the effort suggested by Tiberius Gracchus, once advocated by his brother Caius,[4] and subsequently taken up by the younger Livius Drusus, of increasing the senate by admitting a certain number of knights into that body, and giving the control of the courts to the members of this enlarged council. It may seem a strange and revolutionary step to attempt such a reform of the governing body of the State, whose membership and whose privileges were so jealously guarded, for the purpose of securing a single political end; it may seem at first sight as though the admission of a considerable number of the upper middle class to the power and prizes possessed by the privileged few, would be a shock even to a mildly conservative mind that had fed upon the traditions of the past. Yet a closer examination will reveal the truth that such a change would have meant a very slight modification in the temper and tendencies of the senate, and would have insured a very great increase in its security, whether it meant to govern well or ill, to secure its own advantages or those of its suffering subjects. In reality a very thin line parted the interests of the senators from those of the more distinguished members of the equestrian order. It was only when official probity or official selfishness came into

[1] Cassiodor. *Chron.* Per Servilium Caepionem consulem judicia equitibus et senatoribus communicata. Obsequens 101 (39) Per Caepionem cos. senatorum et equitum judicia communicata.

[2] Tac. *Ann.* xii. 60 Cum . . . Serviliae leges senatui judicia redderent.

[3] Cic. *de Inv.* i. 49. 92 Offensum est quod eorum qui audiunt voluntatem laedit: ut si quis apud equites Romanos cupidos judicandi Caepionis legem judiciariam laudet.

[4] Pp. 135, 213.

conflict with capitalistic greed, that recrimination was aroused between the two heads of the body politic. But what if official power, under either of its aspects, could make a compromise with greed? The rough features of both might be softened; but, at the worst, a stronger, more permanent and, in the long run, more profitable monopoly of the good things of the empire would be the result of the union. The admission of wealthy capitalists could not be considered a very marked social detraction to the dignity of the order. The question of pedigree might be sunk in an amiable community of taste. In point of lavish expenditure and exotic refinement, in the taste that displayed itself in the patronage of literature, the collection of objects of art, the adornment of country villas, there was little to choose between the capitalist and the noble. And community of taste is an easy passage to community of political sentiment. Any one acquainted with the history of the past must have known that all efforts to temper the exclusiveness of the senatorial order had but resulted in an increase of the spirit of exclusiveness. The patrician council had in old days been stormed by a horde of plebeian chiefs; but these chiefs, when they had once stepped within the magic circle, had shown not the least inclination to permit their poorer followers to do the same. The successful Roman, practical, grasping, commercial and magnificently beneficent, ranking the glory of patronage as second only in point of worth to the possession and selfish use of power, scarcely attached a value even to the highest birth when deprived of its brilliant accessories, and had always found his bond of fellowship in a close community of interest with others, who helped him to hold a position which he might keep against the world. How much more secure would this position be, if the front rank of the assailants were enticed within the fortress and given strong positions upon the walls! They would soon drink into their lungs the strong air of possession, they would soon be stiffened by that electric rigidity which falls on a man when he becomes possessed of a vested interest. There was little probability that the knights admitted to the senate would continue to be in any real sense members of the equestrian order.

But even to a senator who reckoned the increase of profit-sharers, whatever their present or future sentiments might be, as a loss to himself, the sacrifice involved in the proposed increase of the members of his order may have seemed well worthy of the cost

For how could power be exercised or enjoyed in the face of a hostile judicature? The knights had recently made foreign administration on the accepted lines not only impossible in itself, but positively dangerous to the administrator, and in all the details of provincial policy they could, if they chose, enforce their views by means of the terrible instrument which Caius Gracchus had committed to their hands. Even if the business men, shorn of their most distinguished members, might still have the power to offer transitory opposition to the senate by coalition with the mob, the more dangerous, because more permanent, possibilities of harm which the control of the courts afforded them, would be wholly swept away.

The attraction of Caepio's proposal to the senatorial mind is, therefore, perfectly intelligible; but it is very probable that there were many members of the nobility who were wholly insensible to this attraction. The men who would descend a few steps in order to secure a profitable concord between the orders, may have been in the majority; but there must have been a considerable number of stiff-backed nobles who, even if they believed that concord could be secured by a measure which gave away privileges and did not conciliate hostility, were exceedingly unwilling to descend at all. Caepio is the first exponent of a fresh phase of the new conservatism which had animated the elder Drusus. That statesman had sought to win the people over to the side of the senate by a series of beneficent laws, which should be as attractive as those of the demagogue and perhaps of more permanent utility than the blessings showered on them by the irresponsible favourite of the moment; but he had done nothing for the mercantile class; and his greater son was left to combine the scheme of conciliation transmitted to him by his father with that enunciated by Caepio.

The moderation and the tactical utility of the new proposal fired the imagination of a man, whose support was of the utmost importance for the success of a measure which was to be submitted to a popular body that was divided in its allegiance, uncertain in its views, and therefore open to conviction by rhetoric if not by argument. It was characteristic of the past career of the young orator Lucius Crassus that he should now have thrown himself wholly on the side of Caepio and the progressive members of the senate.[1] His past career had committed him to no extremes. He

[1] Cic. *Brut.* 43. 161; *pro Cluent.* 51. 140.

had impeached Carbo, known to have been a radical and believed to be a renegade, and he had championed the policy of provincial colonisation as illustrated by the settlement of Narbo Martius.[1] His action in the former case might have been equally pleasing to either side; his action in the latter might have been construed as the work, less of an advanced liberal, than of an imperialist more enlightened than his peers. He had evidently not compromised his chances of political success; he was still but thirty-four and had just concluded his tenure of the tribunate. In the opposite camp stood Memmius, striving with all his might to keep alive the coalition, which he had done so much to form, between the popular party and the merchant class. The knights mustered readily under his banner, for they had no illusions as to the meaning of the bill; it was impossible to conciliate an order by the bribery of a few hundreds of its members, whose very names were as yet unknown. To keep the people faithful to the coalition was a much more difficult task. It was soon patent to all that the agitators had not been wrong in supposing that a serious cleft had opened between the late allies, and in the war of words with which the Forum was soon filled, Memmius seems to have been no match for his opponent. Crassus surpassed himself, and the keen but humorous invective with which he held Memmius up to the ridicule of his former followers,[2] was balanced by the grand periods in which he formulated his detailed indictment of the methods pursued by the existing courts of justice, and of the terrible dangers to the public security produced by their methods of administration. He did not merely impugn the verdicts which were the issue of a jury system so degraded as to have become the sport of a political "faction," but he dwelt on the public danger which sprang from the parasites of the courts, the gloomy brood of public accusers which is hatched by a rotten system, feeds on the impurities of a diseased judicature, and terrifies the commonwealth by the peril that lurks in its poisonous sting. This speech was to be studied by eager students for years to come as a master work in the art of declamatory argument.[3] But its momentary efficacy seems to have been as great as its permanent value. Caepio's bill was acclaimed

[1] Pp. 282, 309.

[2] Cic. *de Or.* ii. 59. 240, 66. 264. It is very probable that this attack on Memmius belongs to the speech on the Servilian law.

[3] Cic. *Brut.* 44. 164 Mihi (Ciceroni) quidem a pueritia quasi magistra fuit, inquam, illa in legem Caepionis oratio.

and carried.[1] Then began the turn of the tide. It is practically certain that the authors of the measure never had the courage, or perhaps the time, to carry a single one of its proposals into effect. The senate was not enlarged, nor was the right of judicature wrested from the hands of its existing holders.[2] The bill may have been repealed within a few months of its acceptance by the people. Caepio went to Gaul to stake his military reputation on a conflict with the German hordes; he was to return as the best hated man in Rome, to receive no mercy from an indignant people. There was probably more than one cause for this sudden change in political sentiment. The knights may have been thrown off their guard by the suddenness of Caepio's attack upon their privileges, and a few months of organisation and canvassing may have been all that they needed to restore the majority required for effacing the blot upon their name. But the chief reason is doubtless to be sought in the external circumstances of the moment, and can only be fully illustrated by the description which we shall soon be giving of the great events that were taking place on the northern frontiers of the empire. It is sufficient for the present to remember that, in the very year in which Caepio's measure had received the ratification of the people, Caius Popillius Laenas, a legate of one of the consuls of the previous year, had been put on his trial before that very people for making a treaty which was considered still more disgraceful than the defeat which had preceded it.[3] The Comitia now heard the whole story of the conduct of the Roman arms against the barbarians of the North. The story immediately revived the coalition of the early days of the Numidian war, and there was no longer any hope for the success of even moderate counsels proceeding from the senate. Popillius was a second Aulus Albinus, and a new Marius was required to restore the fortunes of the day. It was, however, certain that the only Marius could not be withdrawn from Africa, and men looked eagerly to see what the consular elections for the next year would produce. We hear of no candidate belonging to the highest ranks of the nobility who was deemed to have been defrauded of his birthright on this occasion;

[1] Cassiod. *Chron.*; Obsequens 101 (39) (quoted p. 478).

[2] Cicero, speaking in 70 B.C., says that the Equites had held the courts for nearly fifty years, *i.e.* up to the date of the *lex Cornelia* of 81 B.C. (Cic. *in Verr.* Act. i. 13. 38).

[3] [Cic.] *ad Herenn.* i. 15. 25, iv. 24. 34; *de Rep.* i. 3. 6; *pro Balbo* 11. 28.

but the disappointment of Quintus Lutatius Catulus was deemed wholly legitimate, when Cnaeus Mallius Maximus defeated him at the poll. Catulus belonged to a plebeian family that had been ennobled by the possession of the consulship at least as early as the First Punic War; but the distinction had not been perpetuated in the later annals of the house, and if Catulus received the support of the official nobility, it was because his tastes and temperament harmonised with theirs, and because it may have seemed impolitic to advance a man of better birth and more pronounced opinions in view of the prevailing temper of the people. Catulus was a man of elegant taste and polished learning, one of the most perfect Hellenists of the day, and distinguished for the grace and purity of the Latin style that was exhibited in his writings and orations.[1] He was one day to write the history of his own momentous consulship and of the final struggle with the Cimbri, in which he played a not ignoble part. Much of our knowledge of those days is due to his pen, and the modern historian is perhaps likely to congratulate himself on the blindness of the people, which thrice refused Catulus the consulship and reserved him to be an actor and a witness in the crowning victory of the great year of deliverance. He had already been defeated by Serranus; he was now subordinated to the claims of Maximus. But what were those claims? Posterity found it difficult to give an answer,[2] and the reason for that difficulty was that this second experiment in the virtues of a "new man" was anything but successful. The family to which Maximus belonged seems to have been wholly undistinguished, and he himself is the only member of his clan who is known to have attained the consulship. An explanation of his present prominence could only be gathered from a knowledge of his past career, and of this knowledge we are wholly deprived; but it is manifest that he must have done much, either in the way of positive service to the State in subordinate capacities, or in the way of invective against its late administrators, which caused him to be regarded as a discovery by the leaders of the multitude. The colleague given to

[1] Cic. *de Orat.* iii. 8. 29; *Brut.* 35. 132.

[2] Cicero, in speaking of the successive defeats of Catulus at the polls, says Praeposuisse (populum Romanum) Q. Catulo, summa in familia nato, sapientissimo et sanctissimo viro, non dico C. Serranum, stultissimum hominem, (fuit enim tamen nobilis,) non C. Fimbriam, novum hominem, (fuit enim et animi satis magni et consilii,) sed Cn. Mallium, non solum ignobilem, verum sine virtute, sine ingenio, vita etiam contempta ac sordida (*pro Planc.* 5. 12).

Maximus was a man such as the people in the present emergency could not well refuse. Publius Rutilius Rufus was a kind of Cato with a deeper philosophy, a higher culture, and a far less bewildering activity. As a soldier he had been trained by Scipio in Spain, and he possessed a theoretical interest in military matters which issued in practical results of the most important kind.[1] His tenure of the urban praetorship seems to have been marked by reforms which materially improved the condition of the freedmen in matters of private law, and limited the right of patrons to impose burdensome conditions of personal service as the price of manumission.[2] It was he too who may have introduced the humane system of granting the possession of a debtor's goods to a creditor, if that creditor was willing to waive his claim to the debtor's person.[3] Rutilius, therefore, may have had strong claims on the gratitude of the lower orders; and his personality was one that could more readily command a grateful respect than a warm affection. He was a learned adherent of the Stoic system, the cold and stern philosophy of which imbued his speeches, already rendered somewhat unattractive by their author's devotion to the forms of the civil law.[4] He was much in request as an advocate, his learning commanded deep respect, but he lacked or would not condescend to the charm which would have made him a great personal force with the people at a time when there was a sore need of men who were at the same time great and honest.

By a singular irony of fortune it chanced that the province of Gaul fell to Maximus and not to Rutilius. The strong-headed soldier was left at home to indulge his schemes of army reform while the new man went to his post in the north, to quarrel with the aristocratic Caepio, who was now serving as proconsul in those regions, and to share in the crushing disaster which this dissension drew upon their heads. The search for genius had to be renewed at the close of this melancholy year.[5] Another "new man" was

[1] Val. Max. ii. 3. 2. The changes introduced into the military system by Rutilius will be explained in the next chapter.

[2] Ulp. in *Dig.* xxxviii. 2. 1. 1. Mommsen (*Staatsr.* iii. p. 433) thinks that the consul of 105 is the "praetor Rutilius" of Ulpian's account.

[3] Gaius iv. 35 (Praetor Publius Rutilius), qui et bonorum venditionem introduxisse dicitur. See Bethmann-Hollweg *Civilprozess* ii. p. 671. Here again the consul of 105 is probably meant.

[4] Cic. *Brut.* 30. 113, 114.

[5] The disaster at Arausio took place on 6th October (Plut. *Luc.* 27). The consuls for the next year may not yet have been elected, as there was at this time no fixed date for the consular Comitia. *Cf.* p. 264 and see Sall. *Jug.* 114.

found in Caius Flavius Fimbria, a product of the forensic activity of the age, a clever lawyer, a bitter and vehement speaker, but with a power that secured his efforts a transitory circulation as types of literary oratory.[1] He is not known to have shown any previous ability as a soldier, and his election, so far as it was not due to his own unquestioned merit, may have been but a symbol of the continued prevalence of the distrust of the people in aristocratic influence and qualifications. His competitor was Catulus who was for the third time defeated. For the other place in the consulship there could be no competition. The close of the Numidian war had freed the hands of the man who was still believed to be the greatest soldier of the day. There was, it is true, a legal difficulty in the way of the appointment of Marius to the command in the north. Such a command should belong to a consul, but nearly fifty years before this date a law had been passed absolutely prohibiting re-election to the consulship.[2] Yet the dispensation granted to the younger Africanus could be quoted as a precedent, and indeed the danger that now threatened the very frontiers of Italy was an infinitely better argument for the suspension of the law than the reverses of the Numantine war.[3] The people were in no mood to listen to legal quibbles. They drove the protestant minority from the assembly, and raised Marius to the position which they deemed necessary for the salvation of the State.[4] The formal act of dispensation may have been passed by the Comitia either before or after the election, but the senate must have been easily coerced into giving its assent, if its adherence were thought requisite to the validity of the act. The province of

[1] Cic. *Brut.* 34. 129; *de Orat.* ii. 22. 91.

[2] Liv. *Ep.* lvi. (see the next note). For the probable date of this enactment (151 B.C.) see Mommsen *Staatsrecht* i. p. 521.

[3] Liv. *Ep.* lvi Cum bellum Numantinum vitio ducum non sine pudore publico duraret, delatus est ultro Scipioni Africano a senatu populoque Romano consulatus; quem cum illi capere ob legem, quae vetabat quemquam iterum consulem fieri, non liceret, sicut priori consulatu, legibus solutus est.

[4] Plut. *Mar.* 12 καὶ τὸ δεύτερον ὕπατος ἀπεδείχθη, τοῦ μὲν νόμου κωλύοντος ἀπόντα καὶ μὴ διαλιπόντα χρόνον ὡρισμένον αὖθις αἱρεῖσθαι, τοῦ δὲ δήμου τοὺς ἀντιλέγοντας ἐκβαλόντος. Plutarch adds that the people recalled the dispensation granted to Scipio when the annihilation of the Carthaginian power was planned. This is perhaps a mistaken reference to the dispensation granted to Scipio in the Numantine war. See Liv. *Ep.* lvi. (quoted in the last note); Cic. *pro Leg. Man.* 20. 60 and Mommsen *Staatsr. l.c.* As to the irregularity involved in Marius's absence, it is questionable whether Plutarch is right in supposing that a personal *professio* was required at this time. See Mommsen *Staatsr.* i. p. 504. Possibly the irregularity consisted in the fact that there had been no formal candidature at all. Other references to this election of Marius are to be found in Sall *Jug.* 114; Vellei. ii. 12; Liv. *Ep.* lxvii.

Gaul was assigned him as a matter of course,[1] whether by the senate or the people is a matter of indifference. For the Roman constitution was again throwing off the mask of custom and uncovering the bold lineaments which spoke of the undisputed sovereignty of the people. Certainly, if a sovereign has a right to assert himself, it is one who is *in extremis*, who stands between death and revolution. Personality had again triumphed in spite of the meshes of Roman law and custom. It remained to be seen whether the net could be woven again with as much cunning as before, or whether the rent made by Marius was greater than that which had been torn by the Gracchi.

[1] Sall. *Jug.* 114, Marius cónsul absens factus est, et ei decreta provincia Gallia.

TITLES OF MODERN WORKS REFERRED TO IN THE NOTES

L'ANNÉE ÉPIGRAPHIQUE; revue des publications épigraphiques relatives à l'antiquité Romaine (1896, pp. 30, 31, *Fragmentum Tarentinum*).

BARDEY, E.—*Das sechste Consulat des Marius oder das Jahr* 100 *in der römischen Verfassungsgeschichte.* Brandenburg-a.-d.-H., 1884.

BEESLY, A. H.—*The Gracchi, Marius and Sulla.* 3rd ed. London, 1882.

BELOCH, J.—*Der Italische Bund unter Roms Hegemonie; staatsrechtliche und statistische Forschungen.* Leipzig, 1880.

BERGMANN, R.—*De Asiae Romanorum provinciae praesidibus* (Philologus, ii., 1847, p. 641).

BETHMANN-HOLLWEG, M. A. VON.—*Der römische Civilprozess* (Der Civilprozess des gemeinen Rechts, Bde. i., ii.). Bonn, 1864-5.

BIEREYE, J.—*Res Numidarum et Maurorum annis inde ab a. DCXLVIII. usque ad a. DCCVIII. ab. u. c. perscribuntur.* Halis Saxonum, 1885.

BOISSIER, GASTON.—*L'Afrique Romaine; promenades archéologiques en Algérie et en Tunisie.* Paris, 1895.

BOISSIÈRE, GUSTAVE.—*Esquisse d'une histoire de la conquête et de l'administration Romaines dans le Nord de l'Afrique et particulièrement dans la province de Numidie.* Paris, 1878.

BOOR, C. DE.—*Fasti censorii, quos composuit et commentariis instruxit C. de Boor.* Berolini, 1873.

BRUNS, C. G.—*Fontes juris Romani antiqui.* Ed. 6ta. Friburgi, 1893.

BUECHER, K.—*Die Aufstände der unfreien Arbeiter* 143-129 *v. Chr.* Frankfurt-a.-M., 1874.

CORPUS INSCRIPTIONUM GRAECARUM. Ed. A. Böckh. Vol. ii. Berlin, 1843.

CORPUS INSCRIPTIONUM LATINARUM. Berolini. Vol. i. (ed. Th. Mommsen, 1863; ed. ii., pars i., ed. Th. Mommsen, G. Henzen, C. Hülsen, 1893). Vol. ii. (ed. A. Hübner, 1869). Vol. viii. (coll. G. Wilmanns, 1881).

CUNNINGHAM, W.—*An Essay on Western Civilisation in its Economic Aspects.* Cambridge, 1898-1900.

DELOUME, A.—*Les manieurs d'argent à Rome jusqu'à l'Empire.* Paris, 1892.

DREYFUS, R.—*Essai sur les lois agraires sous la République Romaine.* Paris, 1898.

DRUMANN, W.—*Geschichte Roms in seinem Uebergange von der republikanischen zur monarchisen Verfassung.* 2te Aufl., herausg. von P. Groebe. Berlin. Bd. i., 1899. Bd. ii., 1902.

DUREAU DE LA MALLE, A.—*Économie politique des Romains.* Paris, 1840.

FORBIGER, A.—*Handbuch der alten Geographie.* Leipzig, 1842-8.

FOWLER, W. WARDE.—*The Roman Festivals of the Period of the Republic.* London and New York, 1899.

FRAENKEL, M.—*Die Inschriften von Pergamon* (Altertümer von Pergamon. Berlin, 1890. Bd. viii.).

GOEBEL, E.—*Die Westküste Afrikas im Altertum und die Geschichte Mauretaniens.* Leipzig, 1887.

GREENIDGE, A. H. J.—*The Legal Procedure of Cicero's Time.* Oxford, 1901.

—— *Roman Public Life.* London, 1901.

GUADET, J.—*Basilica* (Daremberg-Saglio, Dictionnaire des Antiquités Grecques et Romaines).
HERZOG, E.—*Geschichte und System der römischen Staatsverfassung.* Leipzig, 1884-91.
HUEBNER, E.—*Baliares* (Pauly-Wissowa, Real-Encyclopädie der classischen Alter tumswissenschaft, p. 2823).
—— *Römische Heerschaft in Westeuropa.* Berlin, 1890.
IHNE, W.—*Römische Geschichte.* Leipzig, 1868-79. 2te Aufl. 1893.
KIENE, A.—*Der römische Bundesgenossenkrieg nach den Quellen bearbeitet.* Leipzig, 1845.
KLEBS, E.—*Atilius Saranus oder Serranus* (Pauly-Wissowa, Real-Encyclopädie der classischen Altertumswissenschaft, p. 2094).
KOEPP, F.—*De Attali III. patre* (Rheinisches Museum für Philologie. N. F. Bd. xlviii., 1893, p. 154).
KRAUSE, J. H.—*Deinokrates oder Hütte, Haus und Palast, Dorf, Stadt und Residenz der alten Welt.* Jena, 1863.
LAU, T.—*Lucius Cornelius Sulla. Eine Biografie.* Hamburg, 1855.
LONG, G.—*The Decline of the Roman Republic.* London, 1864-74.
MAHAFFY, J. P.—*The Slave Wars against Rome* (Hermathena, 1890).
—— *The Work of Mago on Agriculture* (*ibid.*).
MARQUARDT, J.—*Das Privatleben der Römer.* Leipzig, 1879. 2te Aufl., besorgt von A. Mau. Leipzig, 1886.
—— *Römische Staatsverwaltung.* Bd. i., 2te Aufl., 1881. Bd. ii., 2te Aufl., besorgt von H. Dessau und A. von Domaszewski, 1884. Leipzig.
MEINEL, G.—*Zur Chronologie des Jugurthinischen Krieges.* Augsburg, 1883.
MERCIER, E.—*La population indigène de l'Afrique sous la domination Romaine, Vandale et Byzantine* (Recueil des notices et mémoires de la société archéologique du département de Constantine, vol. xxx.; 3e série, vol. ix., p. 127. 1895-6. Constantine, 1897).
MEYER, P.—*Der römische Konkubinat, nach den Rechtsquellen und den Inschriften.* Leipzig, 1895.
MIDDLETON, J. H., and SMITH, W.—*Domus* (Smith, Dictionary of Greek and Roman Antiquities, 3rd ed., i., p. 664. London, 1890).
MITTEIS, L.—*Zur Geschichte der Erbpacht im Alterthum* (Abhandlungen der philologisch-historischen Classe der Königl. Sächsischen Gesellschaft der Wissenschaften. Bd. xx., No. iv. Leipzig, 1901).
MOMMSEN, TH.—*Festi codicis quaternionem decimum sextum denuo edidit Th. Mommsen* (Abhandlungen der Königl. Akademie der Wissenschaften zu Berlin. Philologische und historische Abhandlungen, 1864, p. 57).
—— *Geschichte des römischen Munzwesens.* Berlin, 1860.
—— *The History of Rome*, translated by W. P. Dickson. London (Edinburgh), 1894.
—— *Römische Forschungen*, Bde. i., ii. (Bd. i., 2te Aufl.). Berlin, 1864, 1879.
—— *Römisches Staatsrecht.* Leipzig, 1887-8.
—— *Die römischen Tribus in administrativer Beziehung.* Altona, 1844.
—— *Zama* (Hermes, xx., 1885, p. 144).
MOVERS, F. C.—*Die Phönizier.* Bonn und Berlin, 1841-56.
MUELLER, L. *Numismatique de l'ancienne Afrique.* Copenhague, 1860-2. Supplément, 1874.
NEUMANN, C.—*Geschichte Roms während des Verfalles der Republik.* Breslau, 1881-4.
NIESE, B.—*Das sogenannte Licinisch-sextische Ackergesetz* (Hermes, xxiii., 1888).
NITZSCH, K. W.—*Die Gracchen und ihre nächsten Vorgänger, vier Bücher römischer Geschichte.* Berlin, 1847.
OVERBECK, J.—*Pompeii in Seinen Gebäuden, Alterthümern und Kunstwerken . . . dargestellt.* Leipzig, 1856. 2te Aufl. 2 Bde., 1866. 4te im Vereine mit A. Mau durchgearbeitete und vermehrte Aufl., 1884.
PETER, C. *Geschichte Roms.* 4te verbesserte Aufl. Halle-a.-S., 1881.
POEHLMANN, R.—*Geschichte des antiken Kommunismus und Sozialismus.* München, 1893-1900.
RAMSAY, W. M.—*The Cities and Bishoprics of Phrygia.* Oxford, 1895-7.
REIN, W.—*Das Criminalrecht der Römer von Romulus bis auf Justinianus.* Leipzig, 1844.

REINACH, TH.—*Mithridate Eupator, roi du Pont.* Paris, 1890.
RICHTER, O.—*Topographie der Stadt Rom.* 2te Aufl. München, 1901.
RUDORFF, A. A. F.—*Das Ackergesetz des Sp. Thorius wiederhergestellt und erläutert* (Zeitschr. für geschichtliche Rechtswissenschaft. Bd. x. Berlin, 1839).
SCHAEFER, A.—On Orosius, v., 9, 6 (*Mamertium oppidum*) (Jahrbücher für classische Philologie, 1873, p. 71).
—— On Plutarch, *Ti. Gracch.* 11 (Μάλλιος καὶ Φούλβιος) (*ibid.*).
SCHMIDT, J.—*Zama* (Rheinisches Museum für Philologie. N. F. Bd. xliv., 1889, p. 397).
SMITH, W. and WILKINS, A. S.—*Frumentariae Leges* (Smith, Dictionary of Greek and Roman Antiquities, 3rd. ed., i. p. 877. London, 1890).
SOLTAU, W.—*Das Aechtheit des licinischen Ackergesetzes von 367 v. Chr.* (Hermes, xxx., 1895).
—— *Roms Kultur* (Kulturgeschichte des klassischen Altertums, p. 190. Leipzig, 1897).
STEINWENDER, TH.—*Die Römische Bürgerschaft in ihrem Verhältniss zum Heere.* Danzig, 1888.
STRACHAN-DAVIDSON, J. L.—*Appian, Civil Wars.* Book i., edited with notes and map. Oxford, 1902.
SUMMERS, W. C.—*C. Sallusti Crispi Jugurtha,* edited with introduction, notes and index. Cambridge, 1902.
THÉDENAT, H.—*Ergastulum* (Daremberg-Saglio, Dictionnaire des Antiquités Grecques et Romaines).
TISSOT, C.—*Géographie comparée de la province Romaine d'Afrique.* Tome i., Paris, 1884. Tome ii. (ouvrage publié d'après le manuscrit de l'auteur avec des notes, des additions et un atlas par Salomon Reinach), 1888.
UNDERHILL, G. E.—*Plutarch's Lives of the Gracchi,* edited, with introduction, notes and indices. Oxford, 1892.
USSING, J. L.—*Pergamos, seine Geschichte und Monumente,* nach der dänischen Ausgabe neu bearbeitet. Berlin, 1899.
VOIGT, M.—*Ueber die Bankiers, die Buchführung und die Litteralobligation der Römer* (Abhandlungen der philologisch-historischen Classe der Königl. Sächsischen Gesellschaft der Wissenschaften. Bd. x. Leipzig, 1887).
—— *Ueber die staatsrechtliche Possessio und den Ager Compascuus der römischen Republik* (*ibid.*).
—— *Privataltertümer und Kulturgeschichte* (Handbuch der klassischen Altertumswissenschaft, herausg. von Iwan von Mueller. Bd. iv., abt. ii., 2te Aufl. München, 1893).
WADDINGTON, W. H.—*Fastes des provinces Asiatiques de l'Empire Romain depuis leur origine jusqu'au règne de Dioclétien. Ch. ii., Province d'Asie* (Voyage Archéologique en Grèce et en Asie Mineure, par P. Le Bas et W. H. Waddington. Vol. iii., p. 661. Paris, 1870).
WALLON, H.—*Histoire de l'esclavage dans l'antiquité.* 2e edit. Paris, 1879.
WALTZING, J. P.—*Étude historique sur les corporations professionnelles chez les Romains depuis les origines jusqu'à la chute de l'Empire d'Occident.* Louvain, 1899-1900.
WILCKEN, U.—*Attalos III.* (Pauly-Wissowa, Real-Encyclopädie der classischen Altertumswissenschaft, p. 2168).
ZUMPT, A. W.—*Das Criminalrecht der römischen Republik.* Berlin, 1865-9.

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